

AGENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on **Monday, August 5, 2024 at 7:00 p.m.**

Council Members: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. *Speakers must observe the five (5) minute time limit.*
5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of July 15, 2024
- b. Minutes of the City Council Work Session of July 15, 2024
- c. Minutes of the City Council Work Session of July 29, 2024
- d. Event application for Waxahachie Business Tour to be held October 5, 2024 at Railyard Park
- e. Event application for Tulipalooza to be held March 1-16, 2025 at Getzendaner Park
- f. Proposed Ordinance approving a request by Addison Carey, for a Petition for ETJ Release for approximately 1.50 acres, located at 3650 South US Highway 287 (Property ID 239038) – Owner: Addison Carey (ETJ-PTN-135-2024)
- g. Proposed Ordinance approving a request by Linda Rogers, for a Petition for ETJ Release for approximately 1.40 acres, located at 1187 Maree Drive (Property ID 148595) – Owners: Ronnie Rogers and Linda Rogers (ETJ-PTN-138-2024)
- h. Proposed Ordinance approving a request by Jesus Oropeza for a Petition for ETJ Release for approximately 5-acres, located at 2590 FM 878, (Property ID 178983) – Owner: Jesus Oropeza (ETJ-PTN-148-2024)

- i. Ordinance correcting a scrivener's error in the original version of Ordinance 2698 that incorrectly referenced the base zoning of the subject property as Central Area (CA) for 809 Ferris Avenue
 - j. Texas Interlocal Purchasing Cooperative Purchasing Agreement
 - k. Equalis Group LLC Cooperative Purchasing Agreement
 - l. Professional Service Agreement for Construction Materials Testing Services for Wilmington Ave and Charlotte Avenue Reconstruction Project
 - m. Supplemental appropriation for the Mid-Way Regional Airport
 - n. Supplemental appropriation for Public Works Department
 - o. Master Development Agreement for 1601 W. HWY 287
 - p. Increase to Employee Vacation and Sick Day Accruals
 - q. Set City Council meetings for September 9, 2024 and September 16, 2024
6. **Introduce** Honorary Councilmember
 7. **Public Hearing** on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024)
 8. **Consider** proposed Ordinance approving ZDC-131-2024
 9. **Public Hearing** on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024)
 10. **Consider** proposed Ordinance approving ZDC-129-2024
 11. **Public Hearing** on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024)
 12. **Consider** proposed Ordinance approving ZDC-130-2024
 13. **Public Hearing** on a request by Demi Oyerokun for a Specific Use Permit (SUP) for a Minor Auto Repair Shop use within a General Retail (GR) zoning district located at 1011 US HWY 77, Suite 109 (Property ID 173186) – Owner: Marline Six LLC (ZDC-124-2024)
 14. **Consider** proposed Ordinance approving ZDC-124-2024
 15. **Public Hearing** on a request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)
 16. **Consider** proposed Ordinance approving ZDC-128-2024
 17. **Consider** and adopt an Ordinance providing for the issuance of City of Waxahachie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2024; levying an annual ad valorem tax and providing for the security for and payment of said Certificates; approving the Official Statement; and ordaining other matters relating to the subject

18. **Consider** setting Proposed Tax Rate and Dates for Public Hearing
19. **Consider** Resolution for Eminent Domain to Acquire Water Easements Associated with MLK Water Line Replacement Project
20. **Consider** Resolution for Eminent Domain to Acquire Water Easements Associated with FM 664 24-inch Water Transmission Main Project
21. Comments by Mayor, City Council, City Attorney and City Manager
22. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, July 15, 2024 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Justin Fox, Water Street Baptist Church, gave the invocation. Mayor Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concerns about the iron decorations at Interurban on College Street and drainage issues in ditches.

{Travis Smith arrived at 7:06 p.m.}

Shannon Almon, 1015 W. Main, Waxahachie, Texas, spoke in support of ZDC-110-2024.

Davey Vera, 304 Floyd, Waxahachie, Texas, requested the City address the overgrown easement to the rear of his property that causes flooding due to poor grading.

5. Consent Agenda

- a. Minutes of the City Council meeting of July 1, 2024
- b. Event application for Back to School Bash – Let’s GLOW Back to School to be held August 10, 2024 at Railyard Park
- c. Event application for YMCA Santa Run to be held December 14, 2024 at Railyard Park
- d. Receive Fiscal Year 2024 3rd Quarter Financial Report
- e. Emergency Bottled Water Contract
- f. Supplemental Appropriation for the Water Utility Fund Budget
- g. Bid award and funding for additional interior fencing at the Sports Complex

(5a)

- h. Funding request in the amount of \$750,000 from WCDC for the YMCA Cindy Hess Memorial Park
- i. Budget amendment to reimburse departmental funding from the Ammo Buy-Back initiative as well as from TML insurance claims for repaired police vehicles and an animal services vehicle

Action:

Chris Wright moved to approve items a.-g. and i. on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Patrick Souter and carried unanimously (5-0).

Council Member Chris Wright requested an update on funding for the YMCA Cindy Hess Memorial Park. Jon McLaughlin, Executive Director of the Waxahachie YMCA, explained the total projected cost of the park is approximately \$4.9 M and there is about \$2.4 M raised so far, with other committed funding. He explained the Waxahachie Community Development Corporation recommended to approve funding in the amount of \$750,000 for public park amenities at the YMCA Cindy Hess Memorial Park including outdoor restrooms, a playground, and a walking trail path.

Action:

Chris Wright moved to approve items h. on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried 4-1 with Tres Atkins voting in opposition.

6. Introduce Honorary Councilmember

Council Member Tres Atkins introduced Paul Elmore as the July Honorary Council Member and presented him with a Certificate of Appreciation. Paul Elmore and his wife, Kim, have resided on Sycamore Street since 2019. He is the proud father of four children and grandfather to six grandchildren. Mr. and Mrs. Elmore attend First United Methodist Church. He spent 25 years of his career in the athletic apparel business world and in later years combined venture of logistics, office furniture, and construction. Mr. and Mrs. Elmore appreciate the warm hospitality of Waxahachie and are grateful for the wonderful friendships they have acquired. Mr. Elmore describes Waxahachie as a special town and he is delighted to call Waxahachie home.

Mr. Elmore's neighbors, Rusty and Diann Marchman, have provided the following statement: Paul isn't a native of Waxahachie, but you would think he is. He knows the city and is engaged with all the local Civic activities. Paul is an incredible guy who knows everyone's name and never misses an opportunity to say hello. Paul is always ready to help his neighbors whether it's bringing in their trash cans or with a midnight emergency. He goes above and beyond. Everyone stops to talk to Paul and take an opportunity to sit in the red chairs for a visit in the shade. He is committed to Waxahachie and his local community.

Mr. Elmore is recognized by his neighbors for his selflessness and willingness to always help a neighbor in need.

7. Hear presentation on Active Shooter Drill

Thomas Griffith, Emergency Management Coordinator, presented an update on the Active Shooter Drill held on June 14th. He noted it was a successful exercise collaborated with Waxahachie ISD, Baylor Scott and White Hospital, Fire, and Police.

City Council thanked Mr. Griffith and his team for their efforts and successful drill.

8. **Public Hearing on a request by Tim Jackson, for a Replat of Lot 13, Block 63 of the Town Addition, to create Lots 13A & 13B, Block 63 of the Town Addition, 2 single family lots, being 0.45-acres, located at 602 Dr. Martin Luther King Jr Blvd., (Property ID 170996) – Owner: Sergio Sanchez & Vanessa Severson (SUB-113-2024)**

Jennifer Pruitt, Senior Director of Planning, announced the applicant requested to continue the Public Hearing to the August 19, 2024 City Council meeting.

9. **Consider approval of SUB-113-2024**

Action:

Travis Smith moved to continue the Public Hearing for SUB-113-2024 to the August 19, 2024 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (5-0).

10. **Public Hearing on a request by Harlen & Cindy Roberts, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 714 Dunn St (Property ID 173368) - Owner: Harlen & Cindy Roberts (ZDC-118-2024)**

The Item was presented by Ms. Pruitt. The applicant requested an SUP for a Short-Term Rental use at 714 Dunn Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,983 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.25-acre (10,715 square feet) lot. The applicant has not been operating a short-term rental, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property's current use in the past 12 months. The applicant's local emergency contact is located 8.5 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 68 notices were mailed to property owners within 500 feet of the request. At the time of publishing of the staff report, a total of four (4) letters of support and one (1) letter of opposition were received by staff, with three (3) letters of support and zero (0) letters of opposition being inside the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:39 p.m.

There being no others to speak for or against ZDC-118-2024, Mayor Wallace closed the Public Hearing at approximately 7:39 p.m.

11. Consider proposed Ordinance approving ZDC-118-2024

ORDINANCE NO. 3529

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 714 DUNN STREET BEING PROPERTY ID 173368, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 73 OF THE FERRIS SECOND REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-118-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

12. Public Hearing on a request by Stephanie Savins & Eric Savins, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 313 Monticello Dr. (Property ID 172127) - Owner: Stephanie Savins & Eric Savins (ZDC-123-2024)

The Item was presented by Ms. Pruitt and applicant Stephanie Savins requested approval. The applicant requested an SUP for a short-term rental use located at 313 Monticello Dr. because it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 1,765 square feet with two (2) bedrooms and enough improved surface to accommodate the maximum parking spaces of two (2) vehicles situated on an approximately 0.21-acre (9,147 square feet) lot. The applicant has been operating a short-term rental since approximately August of 2023, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property's current use in the past 12 months. The local emergency contact is located 13 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 56 notices were mailed to property owners within 500 feet of the request. At the time of publishing the staff report, a total of two (2) letters of support and seven (7) letters of opposition were received by staff, with two (2) letters of support and one (1) letter of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:42 p.m.

(5a)

Ms. Savins provided documentation and clarified that their first tenant was in August 2023; however, they had applied for a short-term rental listing on May 19, 2023 and the listing was live on July 3, 2023. Mayor Pro Tem Chris Wright thanked Ms. Savins for providing documentation and clarifying the dates.

There being no others to speak for or against ZDC-123-2024, Mayor Wallace closed the Public Hearing at approximately 7:47 p.m.

13. Consider proposed Ordinance approving ZDC-123-2024

ORDINANCE NO. 3530

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 313 MONTICELLO DRIVE BEING PROPERTY ID 172127, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 35, BLOCK 3 OF THE BELLE-VUE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-123-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

14. Public Hearing on a request by Melanie Brewer for a Specific Use Permit (SUP) for an Accessory Structure Dwelling Unit use within a Single Family-2 (SF-2) zoning district located at 1111 W Marvin Avenue (Property ID 176332) - Owner: Melanie Brewer & Mark Brewer (ZDC-111-2024)

The Item was presented by Ms. Pruitt. The applicant requested an SUP to allow for the conversion of an existing 2-car detached garage to 483 square foot accessory dwelling unit. The proposed accessory dwelling unit is located to the rear of the primary home and meets the minimum setback requirements for an accessory structure within the SF-2 zoning district. The existing driveway meets the parking requirements for the existing home and the proposed accessory dwelling unit.

The applicant has confirmed that the accessory dwelling unit will only be used as a residence for family and guests and will not be leased or sold separately from the primary home, separately metered, used as a short-term rental, or used for commercial purposes.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 15 notices were mailed to property owners within 200 feet of the request. Staff received two (2) letters of support and one (1) letter of opposition.

Mayor Wallace opened the Public Hearing at approximately 7:49 p.m.

(5a)

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, asked if the property would be used as a rental and City Council confirmed that it would not.

There being no others to speak for or against ZDC-111-2024, Mayor Wallace closed the Public Hearing at approximately 7:50 p.m.

15. Consider proposed Ordinance approving ZDC-111-2024

ORDINANCE NO. 3531

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY DWELLING UNIT USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 1111 W MARVIN AVENUE, BEING PROPERTY ID 176332, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK 18 IN THE UNIVERSITY REVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-111-2024, a Specific Use Permit for an Accessory Dwelling Unit, subject to the conditions of the staff report. Motion was seconded by Patrick Souter and carried unanimously (5-0).

16. Public Hearing on a request by Gabrielle Calvery, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 1107 W Main Street (Property ID 176627) - Owner: Virginia Holdings LLC (ZDC-108-2024)

The Item was presented by Ms. Pruitt. The applicant requested a SUP for a short-term rental use located at 1107 W. Main Street because it is located within the SF-2 zoning district. The subject property consists of approximately 2,240 square feet, four (4) bedrooms, and a detached alley-accessed garage. The site has sufficient parking to accommodate the maximum parking requirement of four (4) vehicles. The home is situated on an approximately 0.218-acre (9,515 square feet) lot. The applicant has been operating a short-term rental since October 1, 2022 and has not paid local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located one (1) mile from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 41 notices were mailed to property owners within 500 feet of the subject property. Staff has received one (1) letter of support and two (2) letters of opposition, with one (1) letter of support and (2) letters of opposition being inside the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:53 p.m.

(5a)

There being no others to speak for or against ZDC-108-2024, Mayor Wallace closed the Public Hearing at approximately 7:53 p.m.

17. Consider proposed Ordinance approving ZDC-108-2024

ORDINANCE NO. 3532

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 1107 W MAIN STREET, BEING PROPERTY ID 176627, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOTS 1 & 2, BLOCK 9 OF THE WEST END ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-108-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

18. Public Hearing on a request by Gabrielle Calvery, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 330 E University Avenue (Property ID 176172) - Owner: Virginia Holdings (ZDC-109-2024)

The Item was presented by Ms. Pruitt. The applicant requested an SUP for a short-term rental use located at 330 E. University Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 3,686 square feet with seven (7) bedrooms and a detached one-car garage. The site is situated on an approximately 0.344-acre (14,985 square feet) lot. The applicant has been operating a short-term rental since November 10, 2020 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located 0.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 74 notices were mailed to property owners within 500 feet of the subject property. Staff received eight (8) letters of support and one (1) letter of opposition, with one (1) letter of support and zero (0) letters being inside the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:55 p.m.

(5a)

There being no others to speak for or against ZDC-109-2024, Mayor Wallace closed the Public Hearing at approximately 7:57 p.m.

19. Consider proposed Ordinance approving ZDC-109-2024

ORDINANCE NO. 3533

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 330 E UNIVERSITY AVENUE, BEING PROPERTY ID 176172, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 1 & 2, BLOCK 4 OF THE UNIVERSITY REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-109-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

20. Public Hearing on a request by Manuel Vera Jr., for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 306 Floyd Street (Property ID 174707) - Owner: Vera Construction LLC (ZDC-110-2024)

The Item was presented by Ms. Pruitt and applicant Manuel Vera, Jr. requested approval. The applicant requested an SUP for a short-term rental use located at 306 Floyd Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,067 square feet and has sufficient parking to accommodate the maximum parking requirements of three (3) vehicles. The home is situated on an approximately 0.173-acre (7,536 square feet) lot. The applicant has been operating a short-term rental since September 1, 2023 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located 0.6 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 77 notices were mailed to property owners within 500 feet of the property. Staff received five (5) letters of support and nine (9) letters of opposition, with three (3) letters of support and one (1) letter of opposition within the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 8:00 p.m.

Those who spoke in support:

Davey Vera, 304 Floyd, Waxahachie, Texas
Shannon Almon, 1015 W. Main, Waxahachie, Texas
Ira Tenpenny, 109 Rosa, Waxahachie, Texas

Mayor Pro Tem Wright confirmed the applicant started operating the subject property as a short-term rental on September 1, 2023 violating the moratorium passed by City Council in July 2023.

Mr. Vera explained he contacted the City prior to July and was told there was no permit needed to operate a short-term rental and he was unaware of the moratorium that passed in July.

Council Members discussed the interpretation of the short-term rental ordinance adopted on October 16, 2023 defining the term and regulating the use. Mr. Wright expressed his opposition to new short-term rentals who operated after the moratorium ordinance was issued and noted it is the owner's responsibility to be aware of Ordinances adopted by City Council. Council Member Patrick Souter concurred.

Council Member Travis Smith expressed his interpretation of the short-term rental ordinance and his thoughts on the gap between the time the moratorium ordinance was adopted in July and when the short-term rental ordinance was adopted in October.

City Attorney Terry Welch explained Council Members are in charge of interpreting the Ordinance.

There being no others to speak for or against ZDC-110-2024, Mayor Wallace closed the Public Hearing at approximately 8:45 p.m.

21. Consider proposed Ordinance approving ZDC-110-2024

ORDINANCE NO. 3534

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 306 FLOYD STREET, BEING PROPERTY ID 174707, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 7 OF THE LEXINGTON ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-110-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried 3-2, with Chris Wright and Patrick Souter voting in opposition.

22. Public Hearing on a request by Kassie Pierce, Odyssey Oasis LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning

(5a)

district located at 207 Cumberland Road (Property ID 172283) - Owner: Clayton McBride & Carmen McBride (ZDC-121-2024)

The Item was presented by Ms. Pruitt and Michael Pierce requested approval. The applicant requested an SUP for a short-term rental use at 207 Cumberland Road because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,365 square feet in size and has sufficient parking. The home is situated on an approximately 0.214-acre (9,322 square feet) lot. The applicant has been operating a short-term rental on the subject property since approximately July 12, 2023 and has been paying local hotel occupancy taxes since October 2023. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located 8.4 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 82 notices were mailed to property owners within 500 feet of the property. Staff received two (2) letters of support and eight (8) letters of opposition, with one (1) letter of support and three (3) letters of opposition within the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 8:51 p.m.

Mayor Pro Tem Wright noted for consistency, the City Council previously denied a short-term rental SUP due to a non-owner applicant and other issues.

Mr. Welch explained he has been working with staff to update the short-term rental applications to certify the owner and applicant are aware and agree to the language in the application. Council Member Smith asked if a condition could be added to the motion requiring a new signed application by both the owner and applicant and Mr. Welch that would suffice.

There being no others to speak for or against ZDC-121-2024, Mayor Wallace closed the Public Hearing at approximately 8:51 p.m.

23. Consider proposed Ordinance approving ZDC-121-2024

ORDINANCE NO. 3535

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 207 CUMBERLAND ROAD, BEING PROPERTY ID 172283, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOTS 24, BLOCK 7 OF THE BELLE-VUE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

(5a)

Action:

Travis Smith moved to approve ZDC-121-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report and with the requirement of the property owner and lessee signature on the updated application form, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

24. Public Hearing on a request by the City of Waxahachie to amend the adopted Waxahachie Comprehensive Plan, solely to amend the Thoroughfare Plan

The Item was presented by Justin Stoker, Senior Director of Public Works and Engineering. Mr. Stoker requested approval of an amendment to the current Impact Fee Capital Improvement Plan. He noted the proposed amendment does not change any land use assumptions or impact fees. He explained the Texas Department of Transportation (TxDOT) is proceeding with the design of Spur 394 on the south side of the City. Additionally, the Waxahachie Independent School District (WISD) is in design for a new high school that will be built north of Spur 394. The North Central Texas Council of Governments (NCTCOG) and TxDOT have requested Spur 394 not be the main recipient of traffic for the new high school. The current City of Waxahachie Thoroughfare Plan identifies a new roadway connection to the north.

After speaking with impacted property owners and external stakeholders, the proposed amendment revises the Impact Fee Capital Improvement Plan to avoid design complications and convey traffic to US 77, which is more capable of receiving northbound traffic.

The proposed changes eliminate the need to design around a major drainage outfall south of the Waxahachie Senior Center and avoids creating a complicated intersection with Howard Road. The revision directs northbound traffic to US 77 further to the north, which is more capable of receiving the traffic. Shifting the proposed roadway to the east by 350 feet improves the ability of landowners to develop the property adjacent to the new roadway.

Mayor Wallace opened the Public Hearing at approximately 9:02 p.m.

There being no others to speak for or against the Item, Mayor Wallace closed the Public Hearing at approximately 9:02 p.m.

25. Public Hearing on a request by the City of Waxahachie to update the 2020 Roadway Impact Fee Program Update Report accordingly

The Item was presented by Mr. Stoker.

Mayor Wallace opened the Public Hearing at approximately 9:03 p.m.

There being no others to speak for or against the Item, Mayor Wallace closed the Public Hearing at approximately 9:03 p.m.

(5a)

- 26. Consider proposed Ordinances to amend the adopted Waxahachie Comprehensive Plan, solely to amend the Thoroughfare Plan and to update the 2020 Roadway Impact Fee Program Update Report**

ORDINANCE NO. 3536

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING THE THOROUGHFARE PLAN REVISIONS TO THE 2023 COMPREHENSIVE PLAN TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

ORDINANCE NO. 3537

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING THE THOROUGHFARE PLAN REVISIONS TO THE 2020 ROADWAY IMPACT FEE PROGRAM UPDATE TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

Action:

Travis Smith moved to approve the presented ordinances adopting the amendments to the Comprehensive Plan's Thoroughfare Plan and the update to the 2020 Roadway Impact Fee Program Update Report to reflect the revised Thoroughfare Plan. Motion was seconded by Tres Atkins and carried unanimously (5-0).

- 27. Consider Engineering Professional Services Agreement for Old Italy Road Realignment Project**

Mr. Stoker presented the Item and explained the proposed agreement for the Old Italy Road Realignment Project includes design plans and construction administration services for roadway improvements, including an approximately 6,000-foot-long 4-lane undivided concrete roadway from the new Spur 394 northward and connecting to US 77 near Dunaway Elementary School. The road will include a turning lane adjacent to the proposed high school and reformed intersection with the remaining Old Italy Road. This roadway is on the 2023 Thoroughfare Plan and 2023 Impact Fee Report. Revisions to the Thoroughfare Plan and Impact Fee Report are necessary to accommodate the revised alignment of this roadway; and are presented separately for approval. The \$964,000 professional services agreement is eligible for impact fee funding and the available funding in the Impact Fee Service Area.

Action:

Travis Smith moved to approve the professional service agreement with Kimley-Horn and Associates, Inc. for the design of the Old Italy Road Realignment Project in an amount not to exceed \$964,000, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

- 28. Consider Engineering Professional Services Agreement for MLK Sidewalk Project**

Mr. Stoker presented the Item and explained the proposed agreement for the MLK Sidewalk Project includes design plans for sidewalk improvements on the north side of MLK Blvd (US 287

Business) from Kaufman Street to Aiken Street and along the east side of Aiken Street from MLK Blvd to Frierson Street.

Action:

Travis Smith moved to approve the professional service agreement with Freese and Nichols, Inc. for the design of the Martin Luther King Jr. Sidewalk Project in an amount not to exceed of \$71,007, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

29. Consider approval of a contract with Stripe A Zone for the Grand Avenue and Solon Road Striping

Mr. Stoker presented the Item and explained the proposed Grand Avenue and Solon Road Striping is located on Grand Avenue starting North of the Union Pacific Railroad, and going to Solon Road at Solon Place Way. The striping project will take place after Pressure Pave is completed along this section of Grand Avenue. The striping project consists of center lane striping, turn lanes at major intersections, and bike lane striping through the whole length of the project.

Action:

Travis Smith moved to approve the pavement marking contract with Stripe A Zone in the amount of \$102,278 with an additional contingency of \$5,114 for Grand Avenue and Solon Road Striping, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

30. Comments by Mayor, City Council, City Attorney and City Manager

Council Member Patrick Souter reviewed the moratorium ordinance and noted he is not supportive of approving short-term rentals who violated the moratorium ordinance adopted in July 2023.

Mayor Pro Tem Chris Wright thanked Paul Elmore for his participation as Honorary Council Member. Mr. Wright expressed his disappointment with the approval of ZDC-110-2024.

Council Member Travis Smith congratulated Waxahachie High alumni Jared Thomas for being the highest-ever Ellis County baseball player selected in the MLB Draft by the Colorado Rockies. Mr. Smith also recognized Waxahachie High alumni Preston Hodge on his NCAA Football game with an 84-overall rating.

Council Member Tres Atkins thanked Paul Elmore for his participation as Honorary Council Member.

Mayor Billie Wallace thanked Paul Elmore for his participation as Honorary Council Member. Mayor Wallace commended City Council for their hard work and dedication to serve.

Honorary Council Member Paul Elmore expressed his appreciation to City Council and encouraged them to continue working together for the betterment of the City.

(5a)

City Manager Michael Scott thanked City Council for their input at the recent budget work session. Mr. Scott praised Emergency Management Coordinator Thomas Griffith for his great work and noted Thomas is highly respected at the local and State levels of Emergency Management and we are blessed to have him in Waxahachie.

31. Adjourn

There being no further business, the meeting adjourned at 9:18 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5b)

City Council
July 15, 2024

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, July 15, 2024 at 11:00 a.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Discuss City of Waxahachie Fiscal Year 2024-2025 Budget

Chad Tustison, Senior Director of Finance, provided a budget update since the June 18th Work Session.

- Increased Homestead Exemption to 3.5% - \$315K revenue decrease
- April Sales Tax update
- Increased amount for Early Detection Cancer Screening to \$49.5K
- Lions Park ballfields split cost with WCDC to \$250K
- Updated cost of Animal Transport Trailer to \$60K
- Added Grants Coordinator position for \$100K
- Moved Park signage enhancement cost of \$275K to WCDC
- Other updates – payroll, June revenue

Mr. Tustison also explained the FY 2025 General Fund by Function (\$70.1 M), Tax Rate by component, and the General Fund Working Budget.

Council Members discussed the proposed Business Operations Coordinator positions for the Fire Department and Police Department. Police Chief Joe Wisner and Assistant Fire Chief Marcus Brown explained the need for the positions, the duties, and responsibilities.

After a lengthy discussion, it was the general consensus of City Council to support the two proposed Business Operations Coordinator positions for the Fire and Police Departments.

Council Members discussed the proposed Grant Writer position and it was the general consensus of City Council to contract the role on a contingency basis, as needed.

Council Members discussed practice field funding at Lions Park and it was noted the funding could potentially be moved to another park with support from the Waxahachie Community Development Corporation.

(5b)

Council Members discussed prioritizing property tax relief for citizens and discussed funding options for the City. After a lengthy discussion, it was the general consensus of City Council to consider monitoring the City’s impact from legislative changes, explore creative options to fund projects, and provide relief to homeowners by increasing the homestead exemption or decreasing the tax rate earlier. Council will provide direction to staff earlier in the budget process next year.

Lindsey Mearns, Senior Director of Human Resources & Civil Service, reviewed employee leave accruals. She explained the current process and accrual rates for vacation and sick leave. Ms. Mearns discussed the data from comparable cities in the DFW metroplex. The City of Waxahachie currently provides 96 hours of annual sick leave and vacation leave is tiered based on years of service. To stay competitive with the market, staff recommended increasing sick leave accruals from 96 hours annually to 120 hours annually. Staff also recommended increasing vacation leave accruals as follows, effective October 1, 2024:

Current Vacation Leave Accruals	
Years of Service	Days Per Year
0 - 4 years	10
5 years	11
6 years	12
7 years	13
8 years	14
9+ years	15

Proposed Vacation Leave Accruals	
Years of Service	Days Per Year
0 - 2.99 years	12
3 - 4.99 years	15
5 - 9.99 years	17
10 - 14.99 years	19
15 - 19.99 years	21
20+ years	23

It was the general consensus of City Council to consider increasing the sick leave and vacation accruals at the August 5th meeting as presented.

3. Adjourn

There being no further business, the meeting adjourned at 1:30 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5c)

City Council
July 29, 2024

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, Crape Myrtle Room, 2000 Civic Center Lane, on Monday, July 29, 2024 at 3:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Jami Bonner, Assistant City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Discuss proposed economic development project at 1601 W. Hwy. 287

Deputy City Manager Albert Lawrence provided an overview of the project's history. He noted the City Council approved a Memorandum of Understanding (MOU) in November of 2023. This MOU enabled developers to approach potential tenants and allowed the City to start drafting a development agreement. The Economic Development Commission has reviewed the proposed development agreement and recommended advancing it to the City Council for consideration.

Robert O'Farrell, Senior Managing Director at JLL, presented the conceptual plan for the project, which features medical offices, retail spaces, restaurants, and hospitality venues. He mentioned the potential inclusion of a new roadway, contingent upon the Council's direction. This roadway could connect north of Highway 287, loop around the southern part of the property, and extend through Navarro College's land to Sam George Drive. The potential roadway would require approval from the Navarro College Board of Trustees. Mr. O'Farrell noted that several potential users have shown interest, but their commitment will depend on meeting financial margins necessary for success.

The Council discussed various aspects, including parking spaces, safety, and whether the new roadway would be necessary. Mr. O'Farrell indicated that if the roadway is added, the footprint for the hospitality venues may have to be reduced to meet the parking requirements.

Mr. Lawrence explained the developers will have to obtain approval from both the Planning and Zoning Commission and City Council to change the property's zoning. During this approval process, there will be opportunities for the Planning and Zoning Commission and City Council to adjust the development agreement, if desired. He noted the zoning designation will be permanent; any future developers would have to undergo the same approval process for any modifications.

After further discussion, it was the consensus of the City Council to add the proposed development agreement to the August 5th City Council agenda.

(5c)

City Council
July 29, 2024
Page 2

3. Discuss Broadhead Road Street project

Justin Stoker, Senior Director of Public Works and Engineering, requested direction on the proposed Broadhead Road street project. Mr. Stoker provided two options for expanding the road from two lanes to four. Following a discussion on safety and the uncertain status of County street and bridge improvements, the Council reached a consensus to explore further options for utilizing the Roadway Impact Fees.

4. Discuss naming of new roadway currently under design that will help serve new high school site

Mr. Stoker presented Item 4 and explained a name is needed for the new roadway. While a placeholder name is currently being used during the design process, an official name will be required by the time the roadway is completed, approximately one year from now. The Council will continue to brainstorm potential names for the new roadway.

5. Adjourn

There being no further business, the meeting adjourned at 4:29 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary



Date submitted 7/10/24

Applicant Information

Applicant name: LaDondra Hervey

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: _____

Mailing address: PO Box 2591, Waxahachie, TX 75165

Host organization name: I'Mpossible Coaching LLC (ladondrahervey.com)

Alternate contact that will be on-site during the event.

On-site contact name: Dawn Shannon Cell: _____

About the Event

Event name: Waxahachie Business Tour

Location: Railyard Park

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: Up to 200

Description of event: Event celebrating small businesses in and around Waxahachie

We will have local businesses as vendors, food trucks, musicians and/or DJ's

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input checked="" type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input checked="" type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input checked="" type="checkbox"/> Other: Business building & awareness for local biz's |



Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	10/5/24	11:00 am	4:00 pm
Event Set-up	10/5/24	9:00 am	11:00 am
Event Breakdown	10/5/24	4:00 pm	6:00 pm

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



(5d)

Food / Beverage:

- Will the event offer food/beverages? Yes No
- Will event require any food preparation on-site? Yes No
- Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

- Event staff How many: _____ Date(s) & time(s): _____
- Volunteers How many: 4 Date(s) & time(s): 10/5/24 (9am - 6pm)
- Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: S College just in front

of Railyard Park

Street closings to begin on date: 10/5/24 Start time: 8:30 am End time: 6:30 pm

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: 6

Other: _____

Where should equipment be dropped off & picked up?

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator Franchise Utilities Both

List contractor / supplier:

Stage & Ground Electric

Explain services in detail:

Musicians and DJ

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

[Signature]

07/11/2024

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

[Signature]

07/11/2024

Signature

Date



(5d)

(5e)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted

7/11/2024

Applicant Information

Applicant name:

Bill VanHouten

Are you representing the host organization?

Yes

No

Will you be the on-site point of contact during the event?

Yes

No

Phone:

Cell:

Same

Email:

Mailing address:

4626 Firewheel drive Garland Tex 75044

Host organization name:

TULIPALOOZA

Alternate contact that will be on-site during the event.

KARS TAMMINGA

On-site contact name:

BILL VANHOUTEN

Cell:

About the Event

Event name:

TULIPALOOZA

Location:

GETZENDANER PARK

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance:

20,000

Description of event:

U pick them TULIP FESTIVAL

How many times has this event been hosted before?

1st time

2 - 4 times

5 or more times

Location:

CIVIC CTR + GETZENDANER PRK

Choose the best description of the event:

Festival

Birthday Party / Picnic

Movie Screening

Charitable / Fundraising

Parade

Community / Neighborhood

Private Event

Concert / Live Performance

Run / Walk

Other:

(5e)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

- Amusement rides / Inflatables
- Food – sampled, served, or sold
- Animals / Petting Zoo
- Products / Services – given away, sampled, or sold
- Announcement / Speeches
- Live music
- Information / Literature Distribution
- Street closure
- DJ / Recorded Music
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Adults \$15-, Children \$5.-

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	<i>3/1 - 3/16</i>	<i>10 AM</i>	<i>7 PM</i>
Event Set-up	<i>2-28</i>	<i>8 AM</i>	
Event Breakdown	<i>3/17</i>		

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

[Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events](#)

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: 8 Date(s) & time(s): DURING FESTIVAL TIME

Volunteers How many: 8-10 Date(s) & time(s): DURING FESTIVAL TIME

Private security How many: 0 Date(s) & time(s): _____

Company name: TULIPALOOZA PROVIDES ALL STAFFING

Contact name and number: BILL VAN HOUTEN 972 679 9602

Off duty police How many: NONE Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____

(5e)



City of Waxahachie
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator Franchise Utilities Both

List contractor / supplier:

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Wm. Intermun
Signature

July 10 - 2024
Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Wm. Intermun
Signature

July 10 - 2024
Date

(5c)
TULPALOOZA 2025 SITE PLAN



(5c)



Park Finder Map

Parks & Recreation Department, City of Waxahachie. Contact: 469-309-4270

Getzendaner Park [X] [Q]

Parks
Getzendaner Park

Parks: Getzendaner Park

Name	Getzendaner Park
Address	400 S Grand Ave, Waxahachie, TX, 75165
Acreage	34.00
Amenities	2 pavilions, 2 restrooms, 3 playgrounds, 8 grills, benches, picnic tables, water fountains, Chautauqua Auditorium

Attachments:
[Getzendaner.jpg](#)

Image

[Zoom to](#)

Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P

600ft
-96.857 32 398 Degrees

(5c)

Bonner, Jami

From: Bill Van Houten <.....>
Sent: Monday, July 8, 2024 11:35 AM
To: Mosley, Laurie; Bonner, Jami
Subject: Re: Tulipalooza planning for 2025

Jami Bonner -City secretary;

Good morning Jami;

Please note the email below from June 3, from Laurie Mosley and Michael Scott, approving Tulipalooza at Getzendaner park for another year.

Do you wish for me to fill out your application form again, much like Kari and I did last year.?

For your info; Kari has taken a full time position with another Charity, thus I will be doing all the correspondence until our new Tulipalooza contact is in place.

Looking forward to hearing from you,

Bill VanHouten

On Monday, June 3, 2024 at 05:48:24 PM CDT, BILL VAN HOUTEN <.....> wrote:

Thanks for the update Laurie!!
We will be in touch with you after June 24.
All the best.
Bill VanHouten 🙌🙌🙌🙌
Sent from my iPhone

On Jun 3, 2024, at 5:18 PM, Mosley, Laurie <lmosley@waxahachiecvb.com> wrote:

Good Afternoon Sir,

I've heard back from City Management. Michael Scott said that we will be safe in offering the site that you used in 2024 for you to use again in Spring 2025. It does need to remain a year by year agreement as there could be development prospects in the future.

(5e)

Bonner, Jami

From: Cooper, Kyle
Sent: Thursday, July 18, 2024 10:17 AM
To: Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira
Subject: RE: Event Application - 3/1-16/2025 Tulipalooza

Last year, we spent too much time and resources transporting mulch to the event site to accommodate the rain.

The organizer will be responsible for transporting additional mulch.



Kyle Cooper, CPRP
Senior Director
Parks and Recreation
City of Waxahachie
469-336-5377
972-268-4549
Kyle.Cooper@waxahachie.com

From: Bonner, Jami
Sent: Thursday, July 18, 2024 9:41 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Subject: FW: Event Application - 3/1-16/2025 Tulipalooza

Good morning,

Please let me know if you have any comments in regards to the attached Tulipalooza event application. Thank you.

From: Bonner, Jami <>
Sent: Thursday, July 11, 2024 1:36 PM
To: Joe Wiser <JWiser@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - 3/1-16/2025 Tulipalooza

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-135-2024



MEETING DATE(S)

City Council:

August 5, 2024

CAPTION

Consider proposed Ordinance approving a request by Addison Carey, for a **Petition for ETJ Release** for approximately 1.50 acres, located at 3650 South US Highway 287 (Property ID 239038) – Owner: Addison Carey (ETJ-PTN-135-2024)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-135-2024, a request by Addison Carey, for a Petition for ETJ Release for approximately 1.50 acres, at 3650 South US Highway 287, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Addison Carey

Property Owner(s): Addison Carey

Site Acreage: 1.50 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

SUBJECT PROPERTY

General Location: Located at 3650 South US Highway 287

Parcel ID Number(s): 239038

Current Zoning: N/A (ETJ)

Existing Use: Non-residential

Platting History: The subject property is platted as Lot 2B of the Reagor Gateway Addition.

CCN Service Area: Rockett Special Utility District

(5f)

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for August 5, 2024 City Council Meeting
2. Proposed Ordinance
3. Minor Plat (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Senior Planner

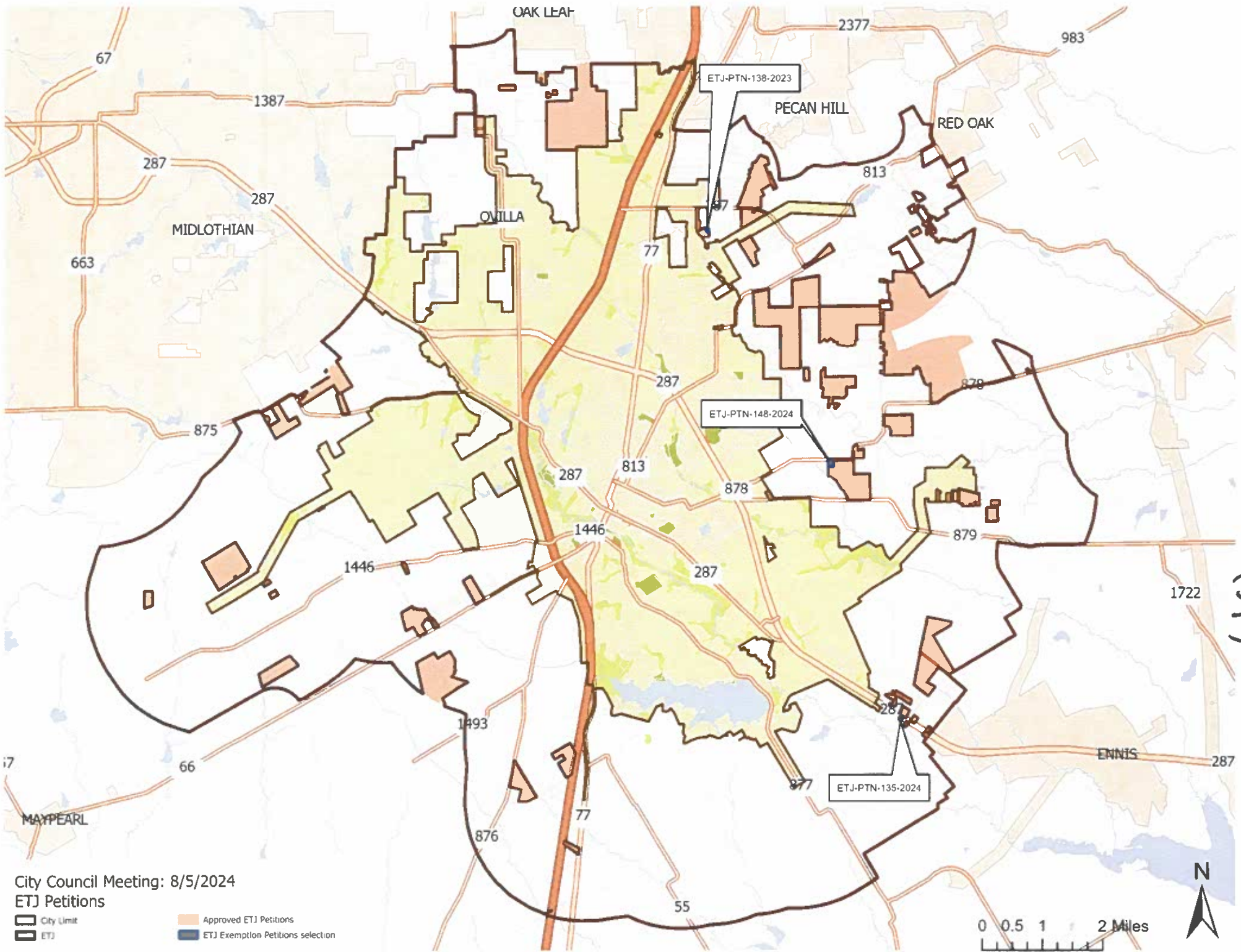
oanh.vu@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.50 ACRE TRACT OF LAND, LOCATED AT 3650 SOUTH HIGHWAY 287, KNOWN AS PROPERTY ID 239038, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-135-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by minor plat in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

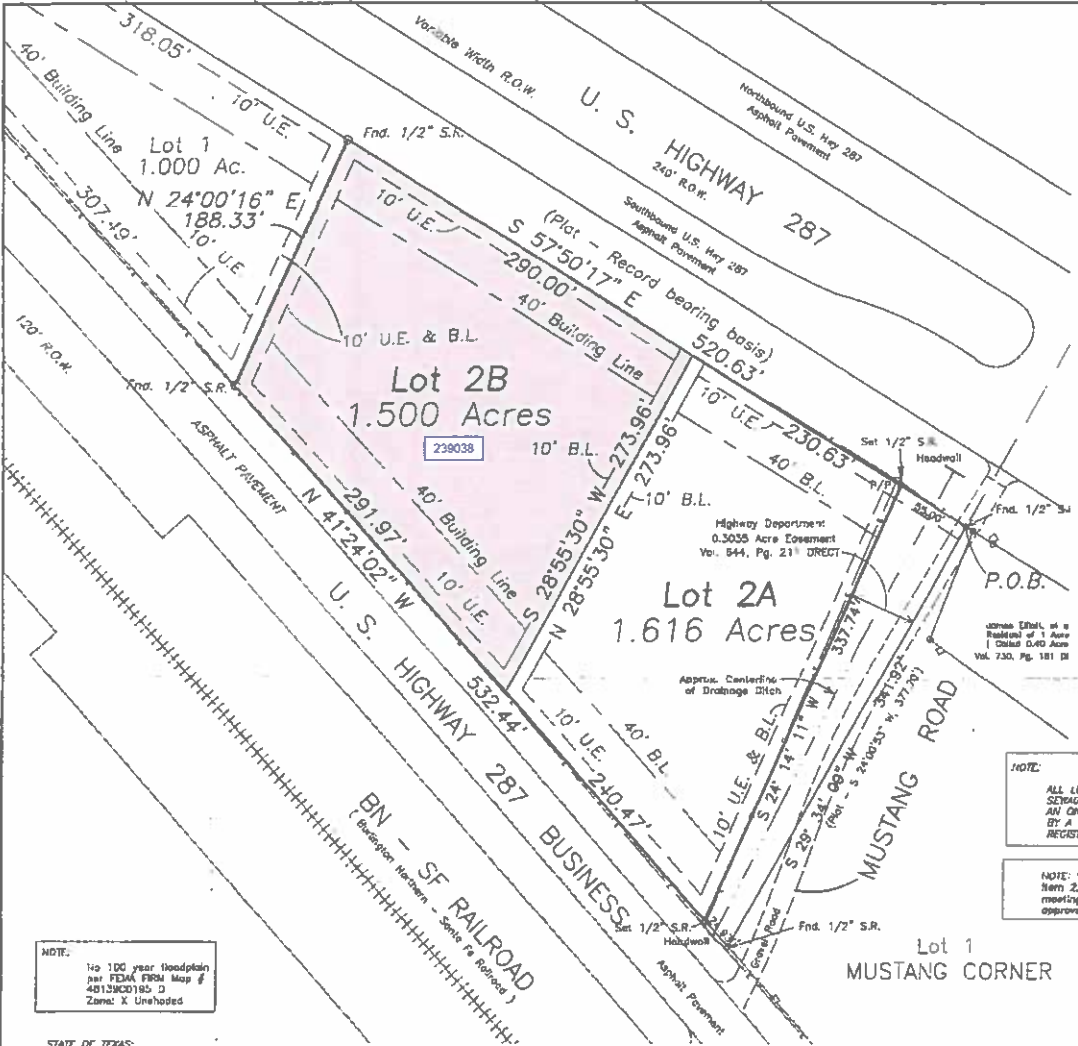
ATTEST:

City Secretary

EXHIBIT A - MINOR PLAT

FILED FOR RECORD ELLIS COUNTY, TEXAS
 INST. NO. 1164783 FILING DATE/TIME: Feb 24, 2011 at 01:06:00 PM

I-8



Scale 1" = 60'

NOTE:
 ALL PROPERTY AND LOT CORNERS
 ARE SET 1/2" STEEL RODS UNLESS
 OTHERWISE SPECIFIED ON THE PLAT.

Owner:
 Wayne Richerzogen
 Waxahachie, Texas 75165
 Phone: 214-949-6651

LEGEND

- D - Property Corner Symbol
- Fnd - Fenced
- S.R. - Street Right
- S.P. - Street Pipe
- U.E. - Utility Easement
- P/P - Utility Pole
- H/W - Headwall
- W of H - West of Headwall
- P.O.B. - Point of Beginning
- C/L - Centerline
- D.F. - Drainage Floor
- X - Spot Elevations
- B.L. - Building Line
- B.U. - Bridge & Utility Easement

NOTE:
 PROPERTY IS IN THE EXTRA TERRITORIAL
 JURISDICTION (ETJ) OF THE CITY OF
 WAXAHACHIE AND IS SUBJECT TO THEIR
 PLATTING RULES AND REGULATIONS.

NOTE:
 ALL LOTS SHALL BE SERVED BY AN ON-SITE
 SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE.
 AN ON-SITE SDF EVALUATION SHALL BE PERFORMED
 BY A REGISTERED ENGINEER AND/OR
 REGISTERED SANITARIAN.

NOTE: Variance for fire hydrant location per report
 Item 2.1, of the agenda for the November 8, 2010,
 meeting of the Ellis County Commissioners Court, was
 approved.

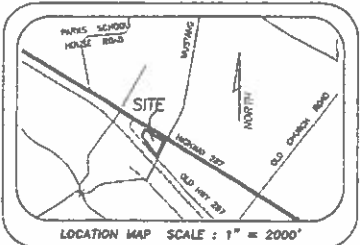
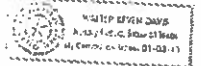
STATE OF TEXAS
 COUNTY OF ELLIS. KNOW ALL MEN BY THESE PRESENTS:
 That I, Henry W. Richerzogen, using the owner of that certain tract of land hereinafter
 described as follows:

BEING all that certain lot, tract, or parcel of land being known and designated as LOT 2 of
 REAGOR GATEWAY, an addition to Ellis County, Texas, according to the plat thereof recorded in
 Cabinet H, Slide 205, Plat Records, Ellis County, Texas.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:
 That I, Henry W. Richerzogen, do hereby accept this plat designating the hereinabove
 described property as a Minor Plat / Replat, Lot 2A & 2B of REAGOR GATEWAY, (being a
 replat of Lot 2 of REAGOR GATEWAY) and do hereby dedicate to Ellis County, for public use,
 the streets and alleys shown hereon; and do hereby reserve the easement shown on the
 plat for the accommodation of all public utilities existing to use or using same. Any
 public utility shall have the right to remove and keep removed all or part of any building,
 fences, trees, shrubs or other growth or improvements which in any way endanger or
 interfere with the construction or maintenance of its respective system on any of these
 easement strips; and any public utility shall, at all times, have the right of ingress and
 egress to and from upon said easement strips for the purpose of construction,
 reconstruction, inspecting, patrolling, maintaining and adding to or removing all or part of its
 respective system without the necessity of any line of procuring the permission of anyone.

IN WITNESS WHEREOF, I, HENRY W. RICHERZOGEN, HAVE SET MY HAND AND SEAL OF OFFICE
 THIS 29 DAY OF Dec 2010.
Henry W. Richerzogen
 Henry W. Richerzogen

STATE OF TEXAS
 COUNTY OF ELLIS
 Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this
 day personally appeared Henry W. Richerzogen, Owner, known to me to be the person
 whose name is subscribed to the foregoing instrument and acknowledged to me that he
 executed the same for the purpose and consideration therein expressed.
 Given under my hand and seal of office, this 29 day of Dec 2010.
Walter Kevin Davis
 Notary Public in and for the State of Texas
 My Commission Expires Dec 2011



NOTE:
 No 100 year floodplain
 per FEMA FIRMA Map #
 4812K00195 D
 Zone: X Unshaded

STATE OF TEXAS
 COUNTY OF ELLIS
 Certificate of approval by the Commissioners Court of Ellis County, Texas:
 Approves this date, the 14 day of February 2011.

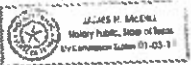
Carol Bush
 County Judge, Carol Bush
Donna Robinson
 Commissioner Precinct # 1
Kevin Sney
 Commissioner Precinct # 3
Ron Brown
 Commissioner Precinct # 4

SURVEYOR'S DECLARATION
 THIS is to declare that I, Walter Kevin Davis, a Registered Professional Land Surveyor of the
 State of Texas, have prepared the above subdivision from an actual survey made on the ground,
 and that all corners, angle points, and points of curve have been properly marked on the
 ground, and that this plat correctly represents that survey made by me.

Walter Kevin Davis
 Walter Kevin Davis
 Texas Registration No. 4468

STATE OF TEXAS:
 Before me the undersigned authority, a Notary Public in and for the State of Texas, on this
 day personally appeared Walter Kevin Davis, known to me to be the person whose name is
 subscribed to the foregoing instrument and acknowledged to me that he executed the same
 for the purposes herein expressed and in the capacity stated.

Given under my hand and seal this the 17 day of Dec 2010.
Walter Kevin Davis
 Notary Public in and for the
 State of Texas



MINOR PLAT/REPLAT APPROVAL
 Approved: _____ 2011
 CITY OF WAXAHACHIE
 ELLIS COUNTY, TEXAS
 By: *April...* Building Development Director
 Approved: *1/10* 2011

MINOR PLAT-City / REPLAT-County
 Lot 2A and 2B
 Reagor Gateway
 BEING A REPLAT OF LOT 2
 REAGOR GATEWAY
 An Addition in the ETJ of
 the City of Waxahachie
 Ellis County, Texas

ENGINEERS
D & M DAVIS & McDILL, Inc.
SURVEYORS
 P.O. Box 428, Waxahachie, Texas 75168
 Phone: Mefro 972-938-1185 Fax: 972-937-0307
 (A Texas licensed surveying firm # 101504-00, and a Texas licensed engineering firm # 1-8439)
 Drawn by: Staff Date 12/17/2010 Job no 210-0333RP

(5f)



(5g)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-138-2024



MEETING DATE(S)

City Council:

August 5, 2024

CAPTION

Consider proposed Ordinance approving a request by Linda Rogers, for a **Petition for ETJ Release** for approximately 1.40 acres, located at 1187 Maree Drive (Property ID 148595) – Owners: Ronnie Rogers and Linda Rogers (ETJ-PTN-138-2024)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-138-2024, a request by Linda Rogers, for a Petition for ETJ Release for approximately 1.40 acres, located at 1187 Maree Drive, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owners have petitioned the City to remove their property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:

Linda Rogers

Property Owner(s):

Ronnie Rogers and Linda Rogers

Site Acreage:

1.40 acres

Number of Lots:

1 lot

Number of Dwelling Units:

1 unit

SUBJECT PROPERTY

General Location:

1187 Maree Drive

Parcel ID Number(s):

148595

Current Zoning:

ETJ

Existing Use:

Single Family Residence

Platting History:

Platted as Lot 29 and part of Lot 28, Block 2 of the Cotton Mill Addition

CCN Service Area:

Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

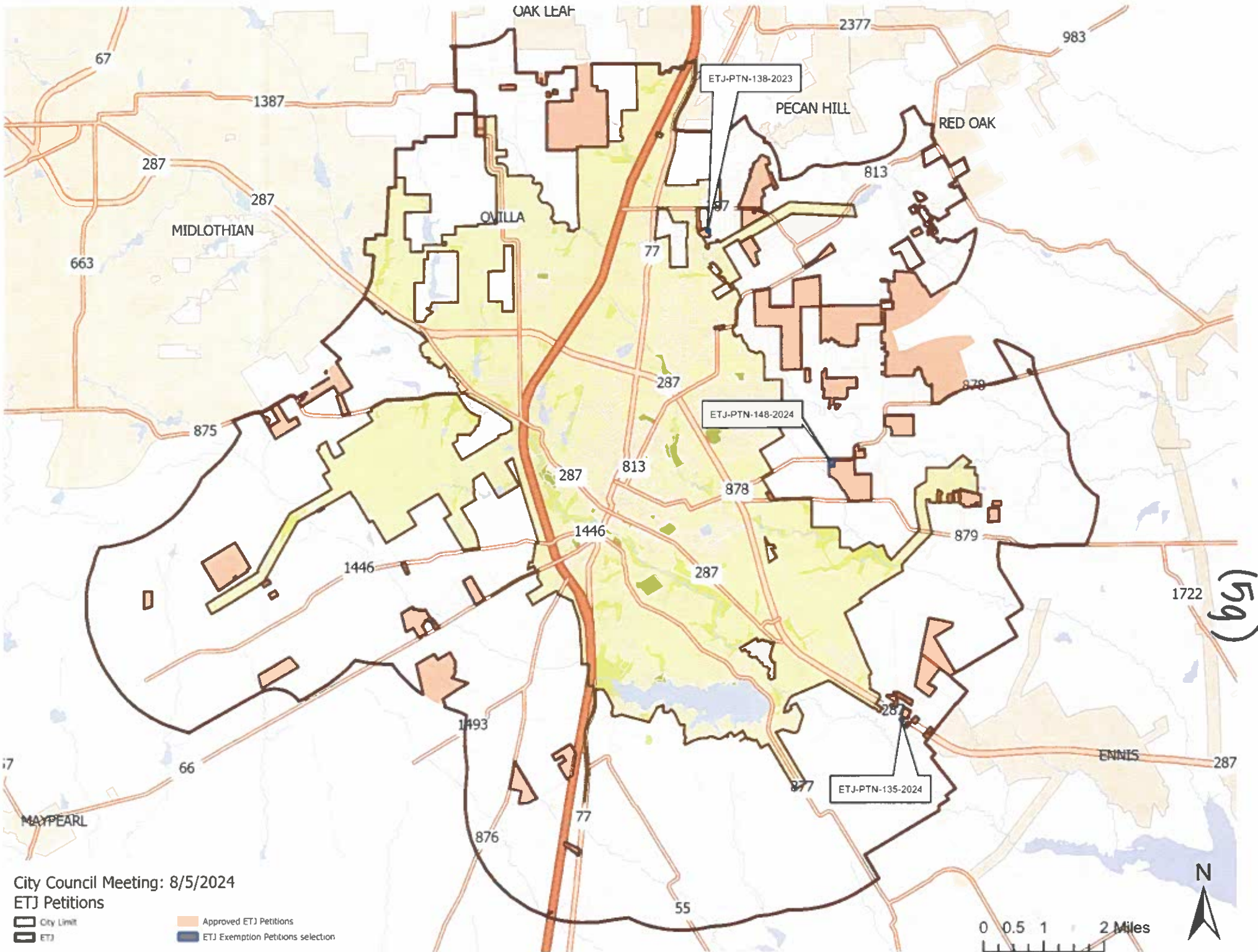
ATTACHED EXHIBITS

1. ETJ Petition Map for August 5, 2024 City Council Meeting
2. Proposed Ordinance
3. Legal Description – Deed of Trust (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
 James Breen
 GIS Technician
james.breen@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Senior Director of Planning
jennifer.pruitt@waxahachie.com



City Council Meeting: 8/5/2024

ETJ Petitions

- City Limit
- ETJ
- Approved ETJ Petitions
- ETJ Exemption Petitions selection



(59)

(5g)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.40 ACRE TRACT OF LAND, LOCATED AT 1187 MAREE DRIVE, KNOWN AS PROPERTY ID 148595, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-138-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

ATTEST:

City Secretary

DEED OF TRUST

(59)

HOME EQUITY

THIS DEED OF TRUST is made this 19th day of September, 2003.

The grantor is RONNIE W. ROGERS and wife, LINDA D. ROGERS (herein "Borrower" whether one or more).

The trustee is Lindsay B. Terry (herein "Trustee"),
 whose address is P.O. Box 7444, Longview, Texas 75607

The beneficiary is EASTMAN CREDIT UNION which is
 organized and existing under the laws of Tennessee
 whose address is P.O. Box 1989, Kingsport, Tennessee 37662
 (herein "Lender").

BORROWER, in consideration of the indebtedness herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the County of Ellis State of Texas:

See attached Exhibit "A"

which has the address of 1187 Maree Waxahachie
 Texas 75165 (herein "Property Address");
(Street) (City)
(Zip Code)

TOGETHER with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, water rights, and fixtures now or hereafter a part of the property, all of which shall be deemed to be and remain a part of the property covered by this Deed of Trust; and all of the foregoing, together with said property (or the leasehold estate if this Deed of Trust is on a leasehold) are hereinafter referred to as the "Property";

TO SECURE to Lender the repayment of the indebtedness evidenced by Borrower's note dated 9-19-2003 and extensions and renewals thereof (herein "Note"), in the principal sum of U.S. \$ 32,944.80, with interest thereon, providing for successive monthly installments of principal and interest, with the last such installment payment due and payable on 10-01-2006; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained. It is understood and agreed that the Note is not secured by any additional real or personal property other than the Property. Borrower represents and warrants that the Property is not designated for agricultural use as provided by any applicable statute governing property tax, unless such Property is used primarily for the production of milk.

Borrower covenants that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property, and that the Property is unencumbered, except for encumbrances of record. Borrower represents and warrants that the indebtedness evidenced by the Note is the only debt secured by the Property except for debt made for (i) the purchase money for the Property, or a part of such purchase money, (ii) taxes due on the Property, (iii) an owelty of partition imposed against the entirety of the Property by a court order or by a written agreement of the parties to the partition, including a debt of one spouse in favor of the other spouse resulting from a division or an award of a family homestead in a divorce proceeding, (iv) the refinance

EXHIBIT A - LEGAL DESCRIPTION - DEED OF TRUST

(5g)

which has the address of 1187 Maree Waxahachie
[Street] [City]
Texas 75165 (herein "Property Address");
[Zip Code]

TOGETHER with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, water rights, and fixtures now or hereafter a part of the property, all of which shall be deemed to be and remain a part of the property covered by this Deed of Trust; and all of the foregoing, together with said property (or the leasehold estate if this Deed of Trust is on a leasehold) are hereinafter referred to as the "Property";

TO SECURE to Lender the repayment of the indebtedness evidenced by Borrower's note dated 9-19-2003 and extensions and renewals thereof (herein "Note"), in the principal sum of U.S. \$ 32,944.80, with interest thereon, providing for successive monthly installments of principal and interest, with the last such installment payment due and payable on 10-01-2006; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained. It is understood and agreed that the Note is not secured by any additional real or personal property other than the Property. Borrower represents and warrants that the Property is not designated for agricultural use as provided by any applicable statute governing property tax, unless such Property is used primarily for the production of milk.

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property, and that the Property is unencumbered, except for encumbrances of record. Borrower represents and warrants that the indebtedness evidenced by the Note is the only debt secured by the Property except for debt made for (i) the purchase money for the Property, or a part of such purchase money, (ii) taxes due on the Property, (iii) an owelty of partition imposed against the entirety of the Property by a court order or by a written agreement of the parties to the partition, including a debt of one spouse in favor of the other spouse resulting from a division or an award of a family homestead in a divorce proceeding, (iv) the refinancing of a lien against the Property, including a federal tax lien resulting from the tax debt of both spouses, if the Property is a family homestead, or from the tax debt of the owner, (v) work or material used in constructing new improvements on the Property, contracted for in writing; or work or material used to repair or renovate existing improvements thereon. Borrower warrants and covenants that Borrower will defend the title to the Property against all claims and demands, subject to encumbrances of record.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal and Interest.** Borrower shall promptly pay when due the principal and accrued interest indebtedness evidenced by the Note and late charges as provided in the Note.

2. **Funds for Taxes and Insurance.** Subject to applicable law or a written waiver by Lender, Borrower shall pay to Lender on the day monthly payments of principal and interest are payable under the Note, until the Note is paid in full, a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments (including condominium and planned unit development assessments, if any) which may attain priority over this Deed of Trust, and ground rents on the Property, if any, plus one-twelfth of yearly premium installments for hazard insurance, plus one-twelfth of yearly premium installments for mortgage insurance, if any, all as reasonably estimated initially and from time to time by Lender on the basis of assessments and bills and reasonable

(5g)

ACKNOWLEDGMENT(S)

EXHIBIT A - LEGAL DESCRIPTION - DEED OF TRUST

COUNTY OF Harrison ss:

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

RONNIE W. ROGERS and wife, LINDA D. ROGERS

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 19th day of September, 2003

Lisa Godfrey
Notary Public

STATE OF TEXAS

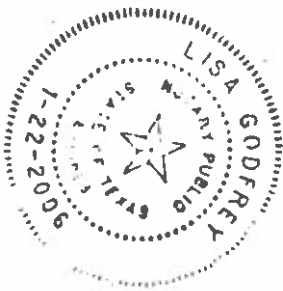
COUNTY OF _____ ss:

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____,

Notary Public



When recorded, return to:

EXHIBIT A - LEGAL DESCRIPTION - DEED OF TRUST

(5g)

EXHIBIT A (LEGAL DESCRIPTION)

BEING LOT 29 AND PART OF LOT 28, BLOCK 2, CARLTON ESTATE, PHASE II, RECORDED IN CABINET A, SLIDES 681, 682, 683 AND 684, DEED RECORDS, ELLIS COUNTY, TEXAS AND BEING THE LAND DESCRIBED IN DEED FROM J.W.S., INC. TO DENNIS CHARLES LOWELL, ET UX RECORDED IN VOLUME 648, PAGE 827, DEED RECORDS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY ITS METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A STEEL ROD ON THE SOUTH RIGHT-OF-WAY LINE OF MAREE DRIVE ON THE NORTH LINE OF SAID LOT 28 AT THE NORTHWEST CORNER OF A 5.22 ACRE TRACT DESCRIBED IN DEED FROM J.W.S., INC. TO FRANCES A. NELSON RECORDED IN VOLUME 641, PAGE 15, DEED RECORDS, ELLIS COUNTY, TEXAS;

THENCE SOUTH $3^{\circ} 18' 00''$ EAST, WITH THE WEST LINE OF SAID NELSON TRACT, 317.97 FEET TO A STEEL ROD SET ON THE COMMON LINE OF LOT 27 AND LOT 28 OF SAID BLOCK;

THENCE SOUTH $18^{\circ} 40' 00''$ WEST, WITH SAID COMMON LOT LINES, 2.17 FEET TO A STEEL ROD SET AT THE SOUTHEAST CORNER OF SAID LOT 28 ON THE SOUTHERLY LINE OF CARLTON ESTATES, PHASE II;

THENCE NORTH $51^{\circ} 48' 00''$ WEST, WITH SAID LINE OF CARLTON ESTATES, PHASE II AND WITH THE SOUTHERLY LINE OF SAID LOTS 28 AND 29 FOR 301.74 FEET TO A STEEL ROD SET AT THE SOUTHWEST CORNER OF SAID LOT 29, BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 845.0 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF $13^{\circ} 33' 38''$, A CHORD BEARING AND DISTANCE OF NORTH $3^{\circ} 25' 11''$ WEST, 199.52 FEET, AN ARC LENGTH OF 199.99 FEET TO A STEEL ROD SET AT THE NORTHWEST CORNER OF SAID LOT 29 ON SAID LINE OF MAREE DRIVE BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 90.38 FEET;

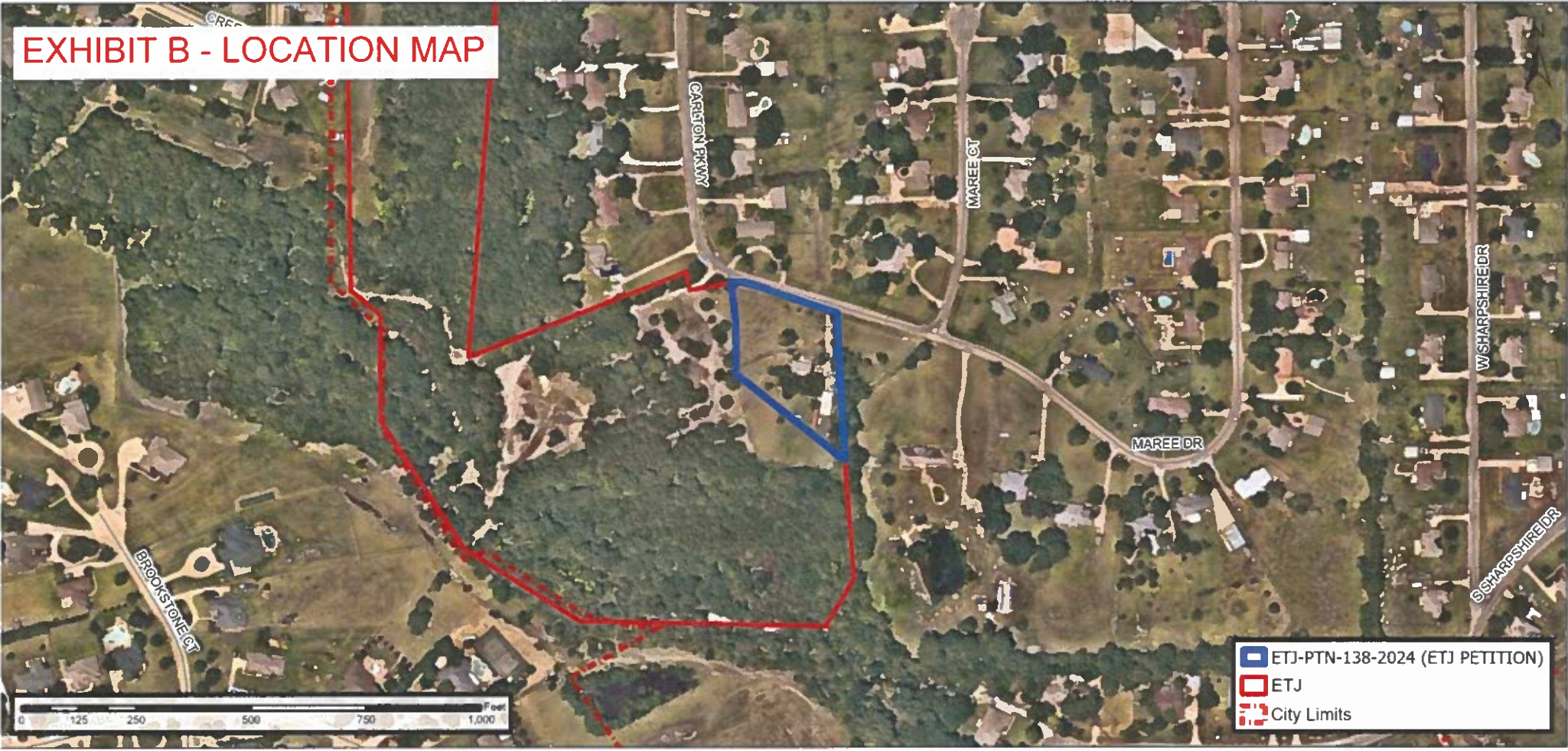
THENCE SOUTHEASTERLY WITH SAID RIGH-OF-WAY LINE AND ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $28^{\circ} 52' 05''$, A CHORD BEARING AND DISTANCE OF SOUTH $85^{\circ} 46' 02''$ EAST, 45.28 FEET, AN ARC LENGTH OF 45.76 TO THE END OF SAID CURVE;

THENCE SOUTH $71^{\circ} 20' 00''$ EAST, WITH SAID RIGHT-OF-WAY LINE, 196.60 FEET TO THE POINT OF BEGINNING.

*Rwd
LOR*

Initialled for identification:

EXHIBIT B - LOCATION MAP



(59)

(5h)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-148-2024



MEETING DATE(S)

City Council:

August 5, 2024

CAPTION

Consider the proposed Ordinance approving a request by Jesus Oropeza for a **Petition for ETJ Release** for approximately 5 acres, located at 2590 FM 878, (Property ID 178983) – Owner: Jesus Oropeza (ETJ-PTN-148-2024)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-148-2024, a request by Linda Rogers, for a Petition for ETJ Release for approximately 5 acres, located at 2590 FM 878, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Jesus Oropeza

Property Owner(s): Jesus Oropeza

Site Acreage: 5 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

SUBJECT PROPERTY

General Location: 2590 FM 878

Parcel ID Number(s): 178983

Current Zoning: ETJ

Existing Use: Single Family Residence

Platting History: The subject property is not platted.

CCN Service Area: City of Waxahachie

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

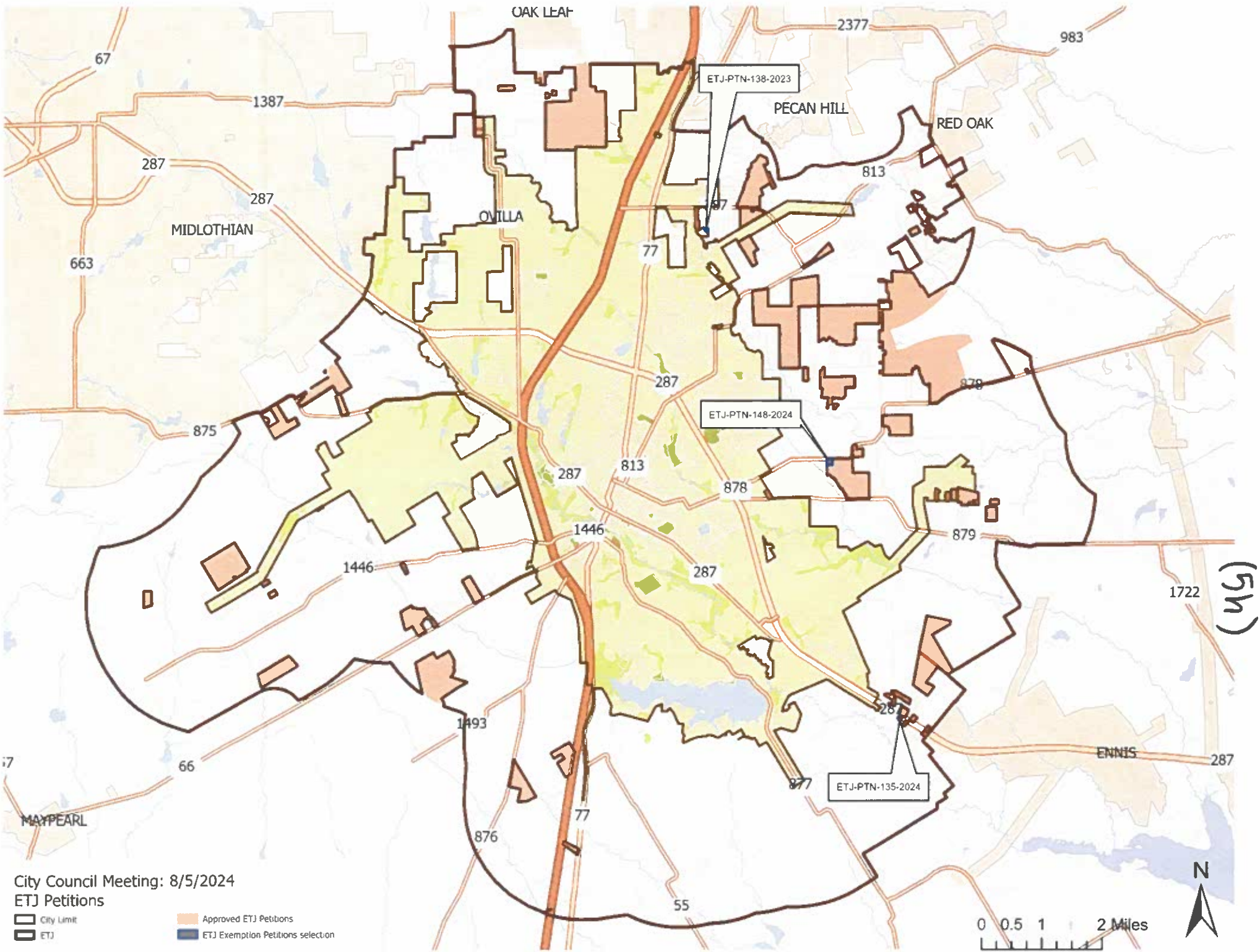
ATTACHED EXHIBITS

1. ETJ Petition Map for August 5, 2024 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:
Harper Lindamood
Planner
Harper.lindamood@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com



City Council Meeting: 8/5/2024
 ETJ Petitions

- City Limit
- ETJ
- Approved ETJ Petitions
- ETJ Exemption Petitions selection

0 0.5 1 2 Miles



(54)

(5h)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5 ACRE TRACT OF LAND, LOCATED AT 2590 FM 878 ROAD, KNOWN AS PROPERTY ID 178983, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-148-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

ATTEST:

City Secretary

16

16 1/2

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

GENERAL WARRANTY DEED

1934000590 / OROPEZA
ATC MR986 (Cash)

THE STATE OF TEXAS §
COUNTY OF ELLIS § KNOW ALL MEN BY THESE PRESENTS:
§

THAT THE UNDERSIGNED, DELIA OROPEZA, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee, herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY FULL right, title and interest unto JESUS Z. OROPEZA to as "Grantee", whether one or more, the real property described herein;

BEING part of the J. B. AND ANN ADAMS SURVEY, ABSTRACT NO. 5, and being a part of a 32 acre tract of land conveyed by Alphonse L. Prachyl and wife, Linda Kay Prachyl to Gary W. Oates and wife, Ruth Ann Oates by Warranty Deed dated September 14, 1972, of record in Volume 562, Page 870, Deed Records of Ellis County, Texas, described as follows:

BEGINNING at the Northwest corner of said 32 acre tract, at a relocated pipe in the South line of F M. Highway 878;

THENCE South 89 degrees 43 minutes East, 438.8 feet to a relocated steel rod;

THENCE South 0 degrees 30 minutes West, 469.8 feet to a relocated steel rod;

THENCE North 89 degrees 43 minutes West, 438.3 feet to a post;

THENCE North 0 degrees 27 minutes East, 496.9 feet to the place of BEGINNING and containing 5.0 acres of land, more or less.

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions and

FILED FOR RECORD - ELLIS COUNTY, TX
INSTR NO. 0505902 FILING DATE/TIME: Feb 29, 2005 at 12:55:00 PM

Exhibit A - Legal Description

02104 1388

(5h)

VOL. . . PG.

restrictions, relating to the here in above described property as now reflected by the records of the County Clerk of ELLIS County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this 4 day of February 2005.

x Delia Oropeza
DELIA OROPEZA

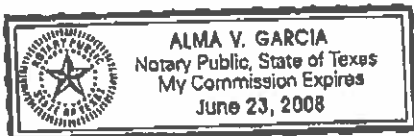
COUNTY CLERK'S MEMO
Instrument UNSATISFACTORY
For microfilm recording

RETURN TO :
DELIA OROPEZA

2590 FM 878
Waxahachie, TX 75165
STATE OF Texas \$
COUNTY OF Ellis \$

The foregoing instrument was acknowledged before me on the 4 day of February 2005, BY DELIA OROPEZA.

Alma V. Garcia
NOTARY PUBLIC
ALMA V. GARCIA
PRINTED NAME OF NOTARY



2 of 2 pages

(5h)

VOL. PG.

Exhibit B - Location Map



(5M)

(hi)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: August 5, 2024

Re: Ordinance 2698 – Specific Use Permit (SUP) for 809 Ferris Avenue

On April 1, 2013, City Council approved a Specific Use Permit (Ordinance 2698) for a "Resale Shop" use at 809 Ferris Avenue. On April 5, 2024, Planning Department staff identified a scrivener's error in Ordinance 2698. The ordinance included a textual error that incorrectly identified the zoning of the subject property as Central Area (CA).

The correct zoning of the subject property at the time of approval of Ordinance 2698 was General Retail (GR). Planning Department staff has verified that official City zoning maps from 2013 and the Staff Report for the SUP Application identified the zoning of 809 Ferris Avenue as General Retail (GR). To address this issue, a corrected version of Ordinance 2698 was prepared by staff. The corrected ordinance is attached to this memo.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON PART OF BLOCK 23, WILLIAMS ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING A 70.3 FOOT BY 102.8 FOOT SECTION OF THE COMMERCIAL BUILDING, BEING THE SOUTHERN MOST UNIT IN THE EXISTING BUILDING, BEING KNOWN AS 809 FERRIS AVENUE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ~~CENTRAL AREA (CA)~~ GENERAL RETAIL (GR) TO ~~CENTRAL AREA~~ GENERAL RETAIL WITH SPECIFIC USE PERMIT (~~CA~~ GR w/SUP), FOR THE PURPOSE OF ALLOWING A RESALE SHOP, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City of Waxahachie identified a scrivener's error in the original version of Ordinance 2698 that incorrectly referenced the base zoning of the subject property as Central Area (CA); and

WHEREAS, the City of Waxahachie has verified that the correct base zoning of the subject property is General Retail (GR); and

WHEREAS, Ordinance 2698 has been revised herein to correct the scrivener's error; and

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as ~~Central Area (CA)~~ General Retail (GR); and

WHEREAS, a proper application for a Specific Use Permit has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the issuance thereof; and,

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this Specific Use Permit is to allow a resale shop, and the Specific Use Permit is hereby authorized on the following property:

Being part of Block 23, Williams Addition, Waxahachie, Ellis County, Texas, and being a 70.3 foot by 102.8 foot section of the commercial building, being the

(51)

southern most unit in the existing building, and being known as 809 Ferris Avenue, Waxahachie, Ellis County, Texas.

Said Specific Use Permit is granted subject to the provision that, although it is to be automatically renewed each year, it shall at any time be subject to cancellation upon hearing before the City Council upon ninety (90) days notice in writing of said hearing; and further is subject to all state regulations and licensing requirements.

Said Specific Use Permit is granted subject to all regulations and licensing requirements.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

ATTEST:

City Secretary

(5j)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Senior Finance Director

Thru: Michael Scott, City Manager

Date: August 5, 2024

Re: Texas Interlocal Purchasing Cooperative Purchasing Agreement

Motion: "I move to approve an interlocal cooperative purchasing agreement with the Texas Interlocal Purchasing Cooperative group and authorize the City Manager to execute all necessary documents.

Item Description: On Monday, August 5, 2024 an interlocal cooperative purchasing agreement between the Texas Interlocal Purchasing Cooperative group and the City of Waxahachie will be presented to Council for consideration.

Item Summary: Staff is requesting the City Council's approval to enter into an interlocal cooperative agreement with the Texas Interlocal Purchasing Cooperative group in reference to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which the Texas Interlocal Purchasing Cooperative group and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. The Texas Interlocal Purchasing Cooperative group and the City of Waxahachie shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts.

Fiscal Impact: Approving this interlocal agreement will allow for future potential cost savings for various products and services, and more efficient procurement practices.

(52)



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Senior Finance Director
Thru: Michael Scott, City Manager
Date: August 5, 2024
Re: Equalis Group LLC Cooperative Purchasing Agreement

Motion: "I move to approve an interlocal cooperative purchasing agreement with Equalis Group LLC and authorize the City Manager to execute all necessary documents.

Item Description: On Monday, August 5, 2024 an interlocal cooperative purchasing agreement between Equalis Group LLC and the City of Waxahachie will be presented to Council for consideration.

Item Summary: Staff is requesting the City Council's approval to enter into an interlocal cooperative agreement with Equalis Group LLC in reference to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which Equalis Group LLC and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. Equalis Group LLC and the City of Waxahachie shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts.

Fiscal Impact: Approving this interlocal agreement will allow for future potential cost savings for various products and services, and more efficient procurement practices.



(51)

Memorandum

To: Honorable Mayor and City Council
From: Justin Stoker, P.E., CFM, Director of Public Works & Engineering
Thru: Michael Scott, City Manager
Date: August 5, 2024
Re: Consider Professional Service Agreement for Construction Materials Testing Services for Wilmington Ave and Charlotte Avenue Reconstruction Project

Recommended Motion: "I move to approve the professional service agreement with Braun Intertec Corporation in an amount not to exceed of \$89,322 for construction materials testing for the Wilmington Avenue and Charlotte Avenue Reconstruction project, and authorize the City Manager to execute all necessary documents."

Item Description: Consider a professional service agreement with Braun Intertec Corporation for construction materials testing services for the Wilmington Avenue and Charlotte Avenue Reconstruction project.

Item Summary: The construction contract for the Wilmington Avenue and Charlotte Avenue Reconstruction project was awarded to McMahon Contracting in June 17, 2024. This proposed professional services agreement with Braun Intertec Corporation is for the materials engineering and testing services for the project and includes:

1. Soil compaction testing for:
 - a. Street fill and subgrade
 - b. Storm, Water and Sewer backfill
2. Concrete strength testing
3. Other material testing as necessary

Fiscal Impact: The proposed agreement for construction materials engineering and testing services in an amount not to exceed \$89,322 will be funded from the FY 2022 Bond Funds available for the Wilmington Avenue Reconstruction Project, and from the FY 2023 Bond Funds designated for the Charlotte Avenue Reconstruction Project within the Streets Capital Projects Fund (612).

(5m)



Memorandum

To: Honorable Mayor and City Council
From: Dale Sigler, Director of Administrative Services
Thru: Michael Scott, City Manager *MS*
Date: July 17, 2024
Re: Consider Supplemental Appropriation for the Mid-Way Regional Airport

Recommended Motion: "I move to approve a supplemental appropriation from the Mid-Way Regional Airport unrestricted reserve fund in the amount of \$43,920.40 for the purchase and installation of a Precision Approach Path Indicator Lights system and authorize the Mid-Way Regional Airport Manager and or City Manager to execute all documents as necessary."

Item Description: Consider a \$43,920.40 supplemental appropriation from the Mid-Way Regional Airport unrestricted reserve to fund the purchase and installation of a new Precision Approach Path Indicator Lights (PAPI) system. The funds will be reimbursed 100% through a combination of TML insurance and remaining CRRSAA funds.

Item Summary: During a thunderstorm, the Precision Approach Path Indicator (PAPI) lights were struck and damaged by lightning. The cost to purchase and install a new LED system is \$43,920.40. TML insurance has already paid \$32,636.50 toward the replacement of a new system and the funds were deposited into the airport reserve fund. The remaining balance of \$11,283.90 is eligible for grant reimbursement through the CRRSAA program at 100%. After the system has been installed, we will request for the reimbursement of the \$11,283.90 and those funds will go back to the Mid-Way Regional Airport unrestricted reserve fund.

Fiscal Impact: The Mid-Way Regional Airport unrestricted reserve fund has sufficient funds to support the \$43,920.40 supplemental appropriation and the full amount will be funded or reimbursed by TML and TXDOT.

(5n)



Memorandum

To: Honorable Mayor and City Council

From: Justin Stoker, P.E., CFM, Director of Public Works & Engineering

Thru: Michael Scott, City Manager *MS*

Date: August 5, 2024

Re: Consider Public Works Department Supplemental Appropriation

Recommended Motion: "I move to approve a supplemental appropriation from the General Fund unrestricted reserve in the amount of \$97,433 and authorize the Public Works Department to purchase a skid steer, bucket, and vibratory packer with those funds, and authorize the City Manager to execute all necessary documents."

Item Description: Consider a supplemental appropriation in the amount \$97,433 and authorize the Public Works Department to use the funds to purchase a skid steer, bucket, and vibratory packer. This will replace items that were stolen and we will be reimbursed by insurance.

Item Summary: On July 25, 2024, a skid steer, bucket, and vibratory packer were stolen from a job site after hours when employees were not present. The Waxahachie and Mesquite Police Departments worked together to track the stolen equipment, but have reached a dead-end with no further leads. Policies and practices have already been modified to help prevent this from happening again.

After the purchase of the equipment, the cost to replace the stolen equipment will be reimbursed by insurance.

Fiscal Impact: The replacement cost for the skid steer is \$75,566, \$2,472 for the 76-inch smooth bucket, and \$18,595 to replace the 72-inch vibratory packer. By purchasing through BuyBoard, we get a discount of 18% on the skid steer and a \$800 delivery fee. Staff requests the supplemental appropriation to transfer a total of \$97,433 to the Public Works Fund to purchase the equipment through BuyBoard. The City's insurance will reimburse the replacement cost to the General Fund.

(50)



Memorandum

To: Honorable Mayor and City Council
From: Albert Lawrence, Deputy City Manager
Thru: Michael Scott, City Manager
Date: August 5, 2024
Re: Master Development Agreement for 1601 W. HWY 287

Recommended Motion: "I move to approve the Master Development Agreement with Central Southwest Texas Development, LLC, meeting the requisites under Chapter 380 of the Texas Local Government Code for transfer of the City owned property at 1601 W. HWY 287 to promote local economic development, establishing the terms for the transfer of property and authorizing the transfer of property, and authorize the City Manager to execute all necessary documents related to the agreement and transfer of property."

Item Description: Consider a Master Development Agreement with Central Southwest Texas Development, LLC, (CSW) meeting the requisites under Chapter 380 of the Texas Local Government Code for transfer of the City owned property at 1601 W. HWY 287 to promote local economic development, establishing the terms for the transfer of property and authorizing the transfer of property.

Item Summary: For more than 18 months City Staff has been working with representatives from Jones Lang LaSalle Incorporated (JLL) on an economic development project to develop the City owned property at 1601 W. HWY 287. The project was presented to City Council in November 2023 and City Council approved a Memorandum of Understanding (MOU) to transfer the property to Central Southwest Texas Development, LLC in exchange for the development as presented in the concept plan and that a development agreement would need to be created and approved.

Since the MOU was approved, City Staff has worked with JLL representatives, JLL attorneys and the City Attorney to create a development agreement that outlines all the performance measures, stipulations, city protections and legal requirements required for the transfer of the property. The project and the agreement were presented to the

(50)

Economic Development Commission on July 8, 2024 for their review and recommendation. After extensive discussion, the Commission recommended moving the agreement forward to City Council for consideration and approval. For reference, the Commission includes two City Council Members that were present and two other City Council Members were present in the audience to hear the presentation and discussion.

On July 29, 2024, a publicly held City Council Work Session with all City Council Members present was held and the project and development agreement were discussed at length. JLL gave a presentation and provided information on the proposed development project, past project successes, background on JLL and CSW, and answered all questions and concerns from City Council and City Staff. City Staff presented the details of the development agreement and answered all questions and concerns from City Council. Based on feedback from City Council at the meeting, it appeared that all questions and concerns had been addressed, no further discussion was necessary and City Council was ready to have it placed on the August 5, 2024 City Council Meeting for consideration. The final terms of the agreement have not changed since the City Council Work Session and the City Attorney has reviewed and approved the agreement.

Fiscal Impact: The project and agreement will have no immediate budgetary impact on the City. However, it will bring in considerable property and sales tax revenue in the upcoming years that are currently not being generated.



Memorandum

To: Honorable Mayor and City Council
 From: Lindsey Mearns, Senior Director of Human Resources & Civil Service
 Thru: Michael Scott, City Manager
 Date: August 5, 2024
 Re: Consider Increase to Employee Vacation & Sick Day Accruals

Recommended Motion: "I move to approve the proposed increases to employee vacation and sick leave accruals effective September 15, 2024 for FY 2025."

Item Description: Consider Increase to Employee Vacation & Sick Day Accruals effective September 15, 2024 for FY 2025.

Item Summary: During the July 15, 2024 City Council Work Session, staff gave a presentation to Council recommending increasing vacation and sick leave accrual rates. The proposal received very positive feedback from Council Members. Therefore, to ensure the City can attract and retain the best employees to provide exceptional customer service to our citizens, it is recommended we increase our sick and vacation leave accruals to remain competitive with the market. These accrual rates are the same as presented during the City Council Work Session.

Current Vacation Leave Accruals		
Years of Service	Days Per Year	Accruals per Pay Period
0 - 4 years	10	3.08 hours
5 years	11	3.39 hours
6 years	12	3.70 hours
7 years	13	4.01 hours
8 years	14	4.32 hours
9+ years	15	4.62 hours

Proposed Vacation Leave Accruals		
Years of Service	Days Per Year	Accruals per Pay Period
0 - 2.99 years	12	3.69 hours
3 - 4.99 years	15	4.61 hours
5 - 9.99 years	17	5.23 hours
10 - 14.99 years	19	5.84 hours
15 - 19.99 years	21	6.46 hours
20+ years	23	7.07 hours

(5p)

Texas Local Government Code Chapter 143 requires both Police and Fire personnel vacation accruals start at 15 days per year. Their vacation accruals would increase to the proposed schedule above beginning at 5 years of service.

In addition to increasing the vacation accruals, we also recommend increasing the sick leave accruals from 12 days per year (96 hours) to 15 days per year (120 hours) for general employees matching the current accruals for Police and Fire Personnel.

Fiscal Impact: Increasing the vacation and sick leave accrual rate will have minimal fiscal impact as the maximum accrual limits will remain unchanged.

(5a)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: August 5, 2024

Re: Consider setting September 2024 City Council Meeting Dates

Item Description: Consider setting City Council meetings on Monday, September 9, 2024 and Monday, September 16, 2024 due to Labor Day holiday and meeting room availability at the Civic Center.

Item Summary: Due to the September holiday schedule and meeting room availability at the Civic Center, staff is requesting to set the regularly scheduled City Council meetings on Monday, September 9, 2024 and Monday, September 16, 2024.

Planning & Zoning Department Zoning Staff Report

Case: ZDC-131-2024



MEETING DATE(S)

Planning & Zoning Commission: July 23, 2024
City Council: August 5, 2024

CAPTION

Public Hearing on a request by Jose Perez, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family Dwelling-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) - Owner: Jose & Maria Perez (ZDC-131-2024)

RECOMMENDED MOTION

- "I move to deny of ZDC-131-2024, a Specific Use Permit (SUP) for Short-Term Rental use."
- "I move to approve of ZDC-131-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff, authorizing the City Manager and/or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 23, 2024, the Commission voted 6-1 to recommend approval of case number ZDC-130-2024, subject to the conditions of the staff report and the additional condition that the applicant shall submit an updated copy of the host rules to reflect the maximum off-street parking of three (3) vehicles. No vehicles shall be parked on the street, in front of the primary structure. The applicant has since submitted an updated copy of the host rules (Exhibit E).

APPLICANT REQUEST

The Applicant requests a Specific Use Permit for a Short-Term Rental use at 131 Vanderbilt Lane.

CASE INFORMATION

Applicant: Jose Perez

Property Owner(s): Jose & Maria Perez

Site Acreage: 0.239 acres

Current Zoning: Single-Family Dwelling-2 (SF-2)

Requested Zoning: SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 131 Vanderbilt Lane

Parcel ID Number(s): 172836

Existing Use: Residential use

Development History:

The subject property is platted as Lot 16, Block 2 of the College Hills #2 Addition

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Residential
East	SF-2	Residential
South	SF-2	Residential
West	PD-GR	School, Vocational

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

The subject property is accessible via Vanderbilt Lane.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP, with the exception of the Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The applicant requests a SUP for short-term rental use at 131 Vanderbilt Lane because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,040 square feet, built in 1969 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.239 acres (10,410 square feet) lot. The applicant has been operating a short-term rental since approximately July 2021. The applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered two (2) noise and disturbance-related calls had been made regarding the subject property and its current use in the past 12 months. The first call was made on December 18, 2023, regarding a civil matter. The second call was made on December 25, 2023, regarding noise disturbance.

The applicant's local emergency contact is Xochitl Cantu (972) 251-3725, 611 Cardinal Drive, Red Oak, TX. 75154, xxcantu5@gmail.com, which is located approximately 9.8 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 41 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of four (4) letters of opposition and three (3) letters of support were received by staff, with two (2) letter of opposition and one (1) letter of support being inside the 200' buffer

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The applicant shall provide an updated Certificate of Insurance or the Declaration page of the insurance policy to reflect the subject property's address and the minimum coverage amount of \$1,000,000 per occurrence.
2. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
3. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
4. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
5. The short-term rental operator shall provide a maximum of three (3) off-street parking spaces.
6. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
7. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. City of Waxahachie Police Department Reports
3. SUP Ordinance
4. Location Map (Exhibit A)
5. Zoning Map (Exhibit B)
6. Floorplan (Exhibit C)
7. Survey (Exhibit D)
8. Host Rules (Exhibit E)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Senior Planner

oanh.vu@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

This will help create local jobs for people helping this business. AND bring unique people to town.

apl
Signature

July 9, 2024
Date

AJ Potts
Printed Name and Title

110 Dartmouth Dr
Address

(7)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-131-2024

ROBINSON M TODD
312 MAGNOLIA DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-131-2024

City Reference: 172911

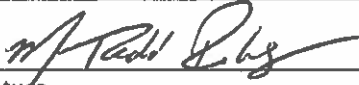
Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

oppose ----


Signature

7/15/24
Date

M Todd Robinson
Printed Name and Title

111 Dartmouth.
Address
Wax. TX. 75165

(7)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-131-2024



HARRIMAN WYMAN & KATHRYN
118 VANDERBILT LN
WAXAHACHIE, TX 75165-1744

RECEIVED JUL 11 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-131-2024

City Reference: 172920

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I oppose because if you let one come into the neighborhood, then there will be others to come and we don't need that to happen.

Kathryn Harriman
Signature

7-9-24
Date

KATHRYN HARRIMAN, Neighbor
Printed Name and Title

118 Vanderbilt Lane
Address

(7)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-131-2024

2

CRAWFORD WILLIAM A JR
125 VANDERBILT LN
WAXAHACHIE, TX 75165-1743

RECEIVED JUL 24 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-131-2024

City Reference: 172844

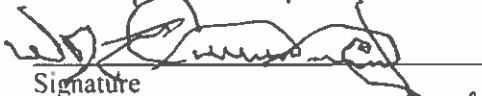
Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

(2) Sups Too Close Together On The Same Street (Vanderbilt) will destroy an established family residential neighborhood


Signature

7-15-24
Date

William A. Crawford
Printed Name and Title

125 Vanderbilt Ln.
Address

Longtime Resident Citizen My Kids grew up at this address)



(7)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-131-2024

STARKS HEATHER R
129 VANDERBILT LN
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-131-2024

City Reference: 172835

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

Comments:

SUPPORT

OPPOSE

Heather Starks

Signature

Heather Starks

Printed Name and Title

7.11.24

Date

129 Vanderbilt Ln

Address

WAX, TX 75165

measured(s)
Heather Starks

(7)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-131-2024**

RECEIVED JUL 11 2024

YEE DUANE C
130 VANDERBILT LN
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-131-2024**

City Reference: 172915

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Stacey Yee

Printed Name and Title

Date

130 Vanderbilt Ln Wax
Address

(7)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-131-2024



RECEIVED JUL 16 2024

FARMER LINDA J
139 VANDERBILT LN
WAXAHACHIE, TX 75165-1743

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-131-2024

City Reference: 172830

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Linda J. Farmer
Signature

7-12-2024
Date

Linda J. Farmer
Printed Name and Title

139 Vanderbilt Ln.
Address
Waxahachie, Tx. 75165

(7)



WAXAHACHIE POLICE DEPARTMENT
A Recognized "Best Practices" Agency



630 Farley Street, Waxahachie, TX 75165
Phone: 469-309-4400 Fax: 469-309-4420

CFS Log

Printed on June 20, 2024

Date Range	between 6/21/2023 and 6/20/2024	Status	Any Status	IR	All Incidents
Call Taker	All Call Takers	Responder Agency	All Agencies	Responder Unit	All Units
Responder Personnel Name	All Personnel	Incident Code		Street	131 Vanderbilt
Disposition		Phone #		CFS / IR #	
Other		Beat	All Beats	Plate #	

12/25/23 23:17 [REDACTED]

Primary Incident Code SHORT : SHORT TERM RENTALS
Additional Incident Code(s) NOISE : Noise Disturbance
Location 131 VANDERBILT LN, WAXAHACHIE, TX 75165
Names [REDACTED]

12/18/23 22:53 [REDACTED]

Primary Incident Code CIVIL : Civil Matter
Location 131 VANDERBILT LN, WAXAHACHIE, TX 75165
Names [REDACTED]

(7)



WAXAHACHIE POLICE DEPARTMENT
A Recognized "Best Practices" Agency



630 Farley Street, Waxahachie, TX 75165
Phone: 469-309-4400 Fax: 469-309-4420

CFS - Command Log

Printed on July 16, 2024

Location 131 VANDERBILT LN, WAXAHACHIE, TX 75165
Location Details
Primary Incident Code CIVIL : Civil Matter
Mod Routine
Priority 4
Use Caution No
Primary Disposition Civil Matter
Beat A2
Call Time 12/18/23 22:53:02
Completed Time 12/18/23 23:20:38

Reporters

[REDACTED] (Initial Reporter)
Sex
DOB
Address
Report Time 12/18/23 22:53:02
How Reported 911
From Phone [REDACTED]
Contact Phone [REDACTED]
Comments

Other Names

[REDACTED] (Complainant)

Sex
 [REDACTED]
Cell Phone [REDACTED]
Comments

[REDACTED]

Cell Phone [REDACTED]
Comments

Vehicles

[REDACTED] (Other)
 [REDACTED]

(7)



12/18/23 23:20:38 | [redacted] | clear (Location: In Service)

(7)



WAXAHACHIE POLICE DEPARTMENT

A Recognized "Best Practices" Agency

630 Farley Street, Waxahachie, TX 75165
Phone: 469-309-4400 Fax: 469-309-4420



CFS - Command Log

Printed on July 16, 2024

CFS # [REDACTED]
Call Taker [REDACTED]
Location 131 VANDERBILT LN, WAXAHACHIE, TX 75165
Location Details
Primary Incident Code SHORT : SHORT TERM RENTALS
Additional Incident Code(s) NOISE : Noise Disturbance
Mod
Priority 3
Use Caution No
Primary Disposition Verbal Warning
Beat A2
Call Time 12/25/23 23:17:31
Completed Time 12/25/23 23:33:44

Reporters

[REDACTED] (Initial Reporter)

Sex
DOB
Address
Report Time 12/25/23 23:17:31
How Reported Phone
From Phone
Contact Phone [REDACTED]
Comments

Other Names

Vehicles

Responders

[REDACTED] WPD (Primary)
[REDACTED] WPD (Primary)
[REDACTED] WPD (Primary)

Response Times

Assigned 12/25/23 23:20:46
Enroute 12/25/23 23:21:16
Staged
Arrived 12/25/23 23:31:29
Backup Requested
Backup Arrived
Leaving
Arrived At
Completed 12/25/23 23:33:44

(7)

IR / External Agency Numbers

PO: [REDACTED] - [REDACTED]

Officer Addenda

Command Log Filter: All Commands | Details: Hidden | Units: All Units | Revised Entries: Shown

12/25/23 23:17:31	[REDACTED]	New CFS
12/25/23 23:18:47	[REDACTED]	AIR BNB WITH LOUD MUSIC PLAYING IN THE BACK YARD
12/25/23 23:19:36	[REDACTED]	WOULD JUST LIKE THEM TO TURN IT DOWN, NO CONTACT NEEDED
12/25/23 23:20:15	[REDACTED]	CALLER BELIEVES IT TO BE AN AIR BNB
12/25/23 23:20:46	[REDACTED]	[REDACTED] Dispatch
12/25/23 23:21:16	[REDACTED]	Enroute
12/25/23 23:21:45	[REDACTED]	Enroute
12/25/23 23:26:43	[REDACTED]	/WE WILL ADV
12/25/23 23:26:49	[REDACTED]	clear (Location: In Service)
12/25/23 23:31:29	[REDACTED]	On Scene
12/25/23 23:33:44	[REDACTED]	clear (Location: In Service)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 131 VANDERBILT LANE, BEING PROPERTY ID 172836 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 16, BLOCK 2 OF THE COLLEGE HILLS #2 ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-131-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission, was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2 with a SUP in order to permit a Short-Term use on the following property: Lot 16, Block 2 of the College Hills #2 Addition, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan attached as Exhibit C, the Survey attached as Exhibit D, and the Host Rules attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-131-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan, Exhibit D – Survey, and Exhibit E – Host Rules.
3. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.
6. The owner/short-term rental operator is subject to a maximum occupancy of eight (8) guests per stay.
7. The short-term rental operator is subject to provide a maximum of three (3) off-street

(8)

parking spaces.

8. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
10. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR


ATTEST:

City Secretary



EXHIBIT A - LOCATION MAP

0 75 150 300 450 600 Feet

 ZDC-131-2024 (SUP)

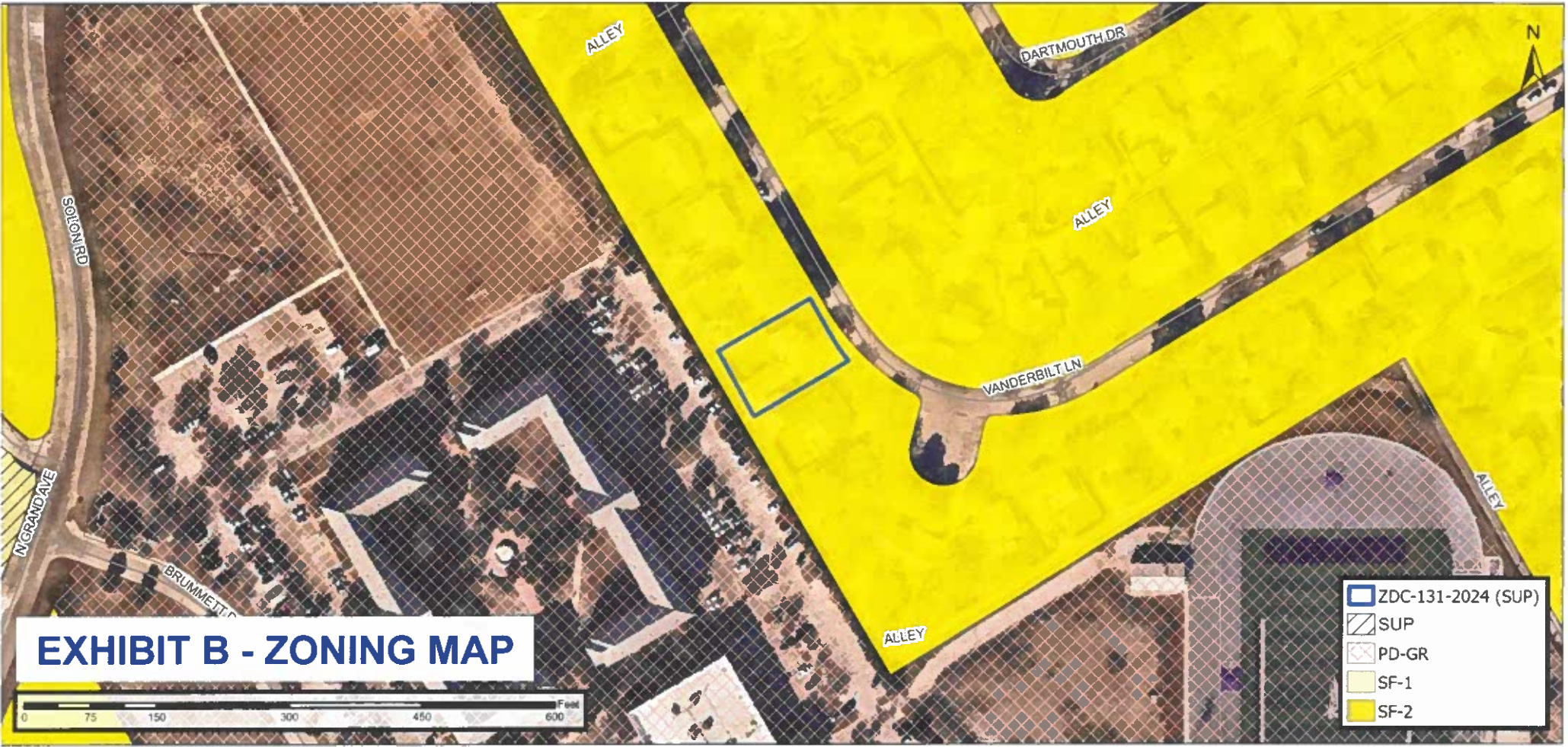


EXHIBIT C - FLOORPLAN

ALLEY

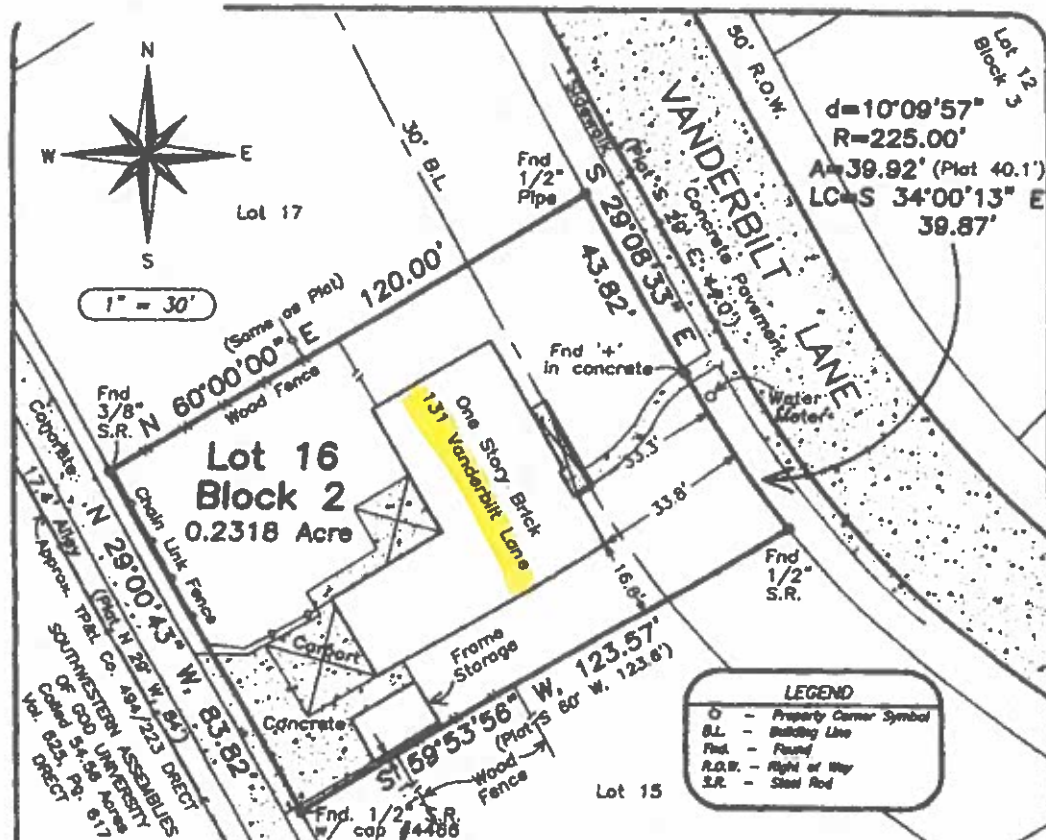


VANDERBILT BLVD

(8)

EXHIBIT D - SURVEY

(8)



All that certain lot, tract or parcel of land being known and designated as LOT 16, BLOCK 2, COLLEGE HILLS ADDITION, UNIT 2, an addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet A, Slide 341, Plat Records, Ellis County, Texas.

(also known as 131 Vanderbilt Lane)

The plat hereon reflects a survey made on the ground and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantee that the utilities shown compromise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey. Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further declare that no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas. Map # 48139C0095 D, Zone X Unshaded. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 2 Survey. This survey was prepared for title purposes in conjunction with Ellis County Abstract & Title Company, Inc. Commitment for Title Insurance, G.F. No. 1101074W, dated: November 23, 2010. The easements, rights-of-way, or other exceptions noted hereon are according to the Schedule B provided. The surveyor has not abstracted the property. Based on the easements and/or deeds provided by the title company, the following do not appear to affect the subject property:

- T.P. & L. Co. 339/321, 494/223, 495/133, 509/452, 546/85 & 546/109 DRECT
- Lone Star Gas Co. 494/457 DRECT
- Southwestern Bell Telephone 494/479 DRECT
- Drainage Easement 531/356 DRECT

**ENGINEERS
D & M
SURVEYORS**

Walter Keven Davis 2/9/11
Walter Keven Davis
 Registered Professional Land Surveyor #4486
DAVIS & McDILL, Inc.



(A Texas Bonded surveying firm # 101504-00)
 P.O. BOX 428, Waxahachie, Texas 75168
 Phone: Metro 972-938-1185 Fax: 972-937-0307

Description: Survey Plat Client: Ellis County Abstract and Title Co. G.F.# 1101074W
 Drawn by: Kevin Huber Scale: 1" = 30' Date: February 9, 2011 Job# 211-0037
 Revised: 2-9-11

Kevin Huber *Walter Keven Davis*

EXHIBIT E - HOST RULES

(8)

RECEIVED JUL 2 9 2024

House rules

You'll be staying in someone's home, so please treat it with care and respect.

Checking in and out

Check-in after 3:00 PM

Checkout before 11:00 AM

Self check-in with lockbox, lockboxes are provided both front and rear doors with same code

During your stay

6 guests maximum

No pets

Quiet hours

10:00 PM - 7:00 AM

No parties or events

No Smoking I

Gather used towels

Throw trash away (Green bin for trash)(Blue bin recycle)

Turn things off when not in use please

Please no street parking/ parking is provided behind the home

Additional requests

we require no stripping of beds , that is the cleaning staff responsibility , Thank's for your booking and we hope you had an enjoyable stay.

(9)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-129-2024



MEETING DATE(S)

Planning & Zoning Commission: July 23, 2024
City Council: August 5, 2024

CAPTION

Public Hearing on a request by Jose Perez, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a **Single-Family Dwelling-2 (SF-2)** zoning district located at 137 Vanderbilt Lane (Property ID 172839) - Owner: Jose Perez (ZDC-129-2024)

RECOMMENDED MOTION

- "I move to deny of ZDC-129-2024, a Specific Use Permit (SUP) for Short-Term Rental use."
- "I move to approve of ZDC-129-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 23, 2024, the Commission voted 6-1 to recommend approval of case number ZDC-129-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a Specific Use Permit for a Short-Term Rental use at 137 Vanderbilt Lane.

CASE INFORMATION

Applicant: Jose Perez

Property Owner(s): Jose Perez

Site Acreage: 0.239 acres

Current Zoning: Single-Family Dwelling-2 (SF-2)

Requested Zoning: SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 137 Vanderbilt Lane

Parcel ID Number(s): 172839

Existing Use: Residential use

Development History: The subject property was platted as part of the College Hills #2 Addition

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Residential
East	SF-2	Residential
South	SF-2	Residential
West	PD-GR	School, Vocational

Future Land Use Plan: Mixed Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via Vanderbilt Lane.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP, with the exception of the Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The applicant requests a SUP for short-term rental use at 137 Vanderbilt Lane because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,918 square feet, built in 1969 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.239 acres (10,410 square feet) lot. The applicant has been operating a short-term rental since approximately April 2021. The applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The applicant's local emergency contact is Xochitl Cantu (972) 251-3725, 611 Cardinal Drive, Red Oak, TX. 75154, xxcantu5@gmail.com, which is located approximately 9.7 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 50 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of three (4) letters of opposition and three (3) letters of support were received by staff, with one (1) letter of opposition and one (1) letter of support being inside the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The applicant shall provide an updated Certificate of Insurance or the Declaration page of the insurance policy to reflect the subject property's address and the minimum coverage amount of \$1,000,000 per occurrence.
2. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
3. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
4. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
5. The short-term rental operator shall provide a maximum of three (3) off-street parking spaces.
6. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
7. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan (Exhibit C)
6. Survey (Exhibit D)
7. Host Rules (Exhibit E)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Senior Planner

oanh.vu@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

THIS should bring unique visitors to the community
to support local businesses.


Signature

July 9, 2024
Date

As Potts
Printed Name and Title

110 Dartmouth Dr
Address

Case Number: ZDC-129-2024

City Reference: 172840

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

Comments: SUPPORT

OPPOSE

RECEIVED JUL 11 2024

Fay Rogers
Signature

Date

Fay Rogers Owner
Printed Name and Title

117 Vanderbilt
Address

(b)

(9)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-129-2024

HARRIMAN WYMAN & KATHRYN
118 VANDERBILT LN
WAXAHACHIE, TX 75165-1744

RECEIVED JUL 11 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-129-2024

City Reference: 172920

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

We are having so many problems in our neighborhood of people not maintaining their property and this would add to the situation

Wyman Harriman
Signature

7-9-24
Date

Wyman Harriman
Printed Name and Title

118 Vanderbilt Lane
Address

(9)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-129-2024

1

CRAWFORD WILLIAM A JR
125 VANDERBILT LN
WAXAHACHIE, TX 75165-1743

RECEIVED JUL 24 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-129-2024

City Reference: 172844

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Z SUPS ON THE SAME STREET TO CLOSE TOGETHER DESTROYS ESTABLISHED FAMILY RESIDENTIAL neighborhoods

[Signature]
Signature

7-15-24
Date

William A. Crawford
Printed Name and Title

125 Vanderbilt Ln.
Address

(longtime Resident citizen)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-129-2024

STARKS HEATHER R
129 VANDERBILT LN
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-129-2024

City Reference: 172835

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Heather Starks
Signature

7.11.24
Date

Heather Starks
Printed Name and Title

129 Vanderbilt Ln
Address
Wax, TX 75165

(9)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-129-2024

RECEIVED JUL 16 2024

FARMER LINDA J
139 VANDERBILT LN
WAXAHACHIE, TX 75165-1743

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-129-2024

City Reference: 172830

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Attached memo I wrote on June 11, 2024

Linda J. Farmer
Signature

7-12-2024
Date

Linda J. Farmer
Printed Name and Title

139 Vanderbilt Ln.
Address
Waxahachie, Tx 75165

(9)

Short Term Rental at 137 Vanderbilt Lane

From: Linda Farmer (linda_farmer@sbcglobal.net)

To: plj49@cs.com

Date: Tuesday, June 11, 2024 at 04:41 PM CDT

RECEIVED JUL 16 2024

I own and reside at the property located at 139 Vanderbilt Lane in Waxahachie. It is next door to the short term rental property 137 Vanderbilt Lane owned by Jose and Yolanda Perez.

My experience with the Perez family and their guests has been 100 percent positive. There have been no incidents of noise or any other intrusions. I am confident if any improper situation were to occur it would be quickly resolved by Mr. Perez.

I see Mr. Perez present several times weekly checking on his property. His yard is clean and attractively maintained.

If any questions I can be contacted by email or phone.

Linda J. Farmer
139 Vanderbilt Ln.
Waxahachie TX 75165
linda_farmer@sbcglobal.net
972-935-4139

(9)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-129-2024

1

CRAWFORD WILLIAM A JR
125 VANDERBILT LN
WAXAHACHIE, TX 75165-1743

RECEIVED JUL 24 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-129-2024

City Reference: 172844

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

2 SUPS ON THE SAME STREET TO CLOSE TOGETHER DESTROYS ESTABLISHED FAMILY RESIDENTIAL neighborhoods

[Signature]
Signature

7-15-24
Date

William A. Crawford
Printed Name and Title

125 Vanderbilt Ln.
Address

(longtime Resident citizen)

(10)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 137 VANDERBILT LANE, BEING PROPERTY ID 172839 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 19, BLOCK 2 OF THE COLLEGE HILLS #2 ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-129-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission, was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2 with a SUP in order to permit a Short-Term use on the following property: Lot 19, Block 2 of the College Hills #2 Addition, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan attached as Exhibit C, the Survey attached as Exhibit D, and the Host Rules attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-129-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan, Exhibit D –Survey, and Exhibit E – Host Rules.
3. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.
6. The owner/short-term rental operator is subject to a maximum occupancy of eight (8) guests per stay.

(10)

7. The short-term rental operator is subject to provide a maximum of three (3) off-street parking spaces.
8. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
10. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

ATTEST:

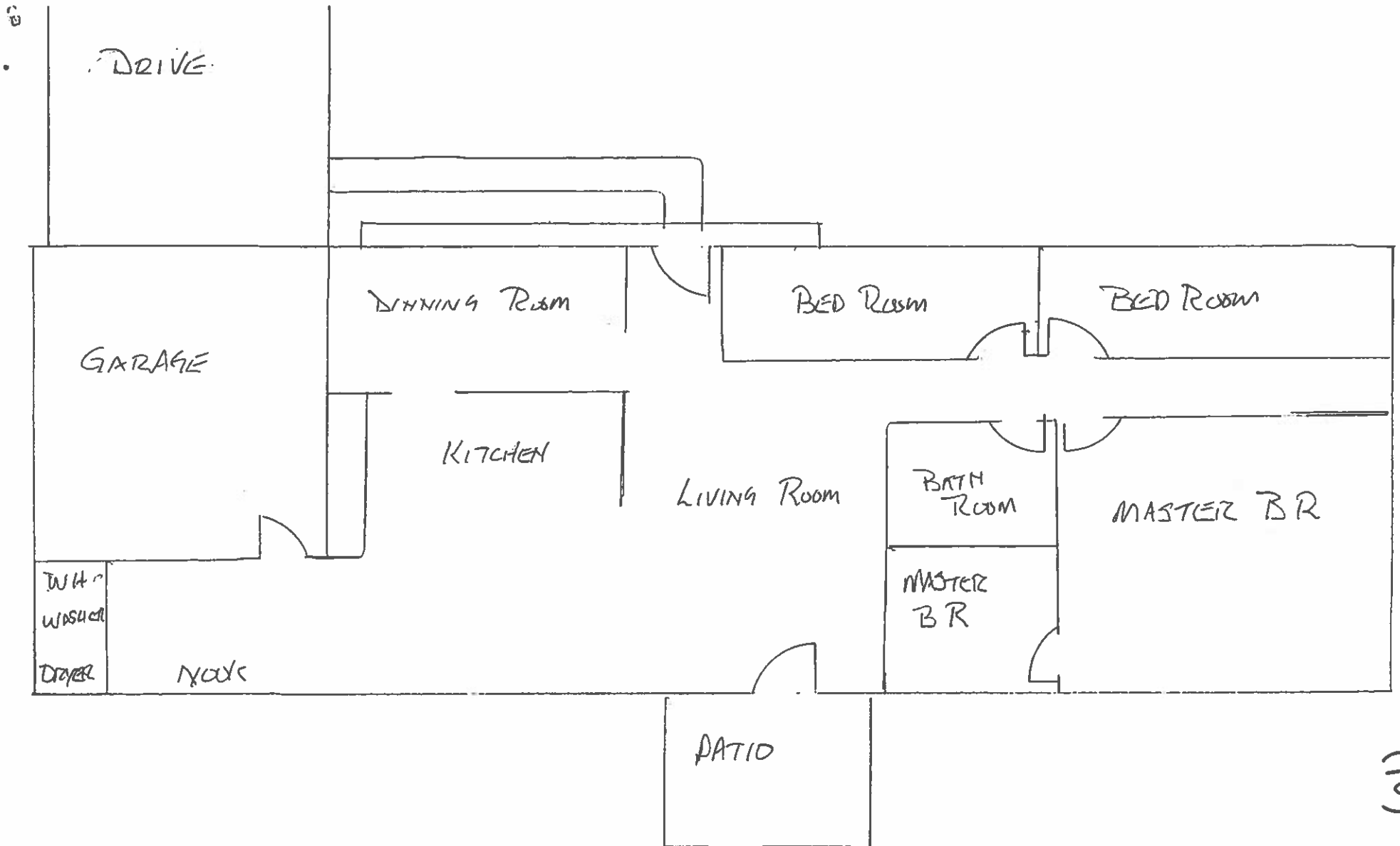
City Secretary



EXHIBIT A - LOCATION MAP

EXHIBIT C - FLOORPLAN

VANDERBILT BLVD



ALLEY

(10)

EXHIBIT D - SURVEY

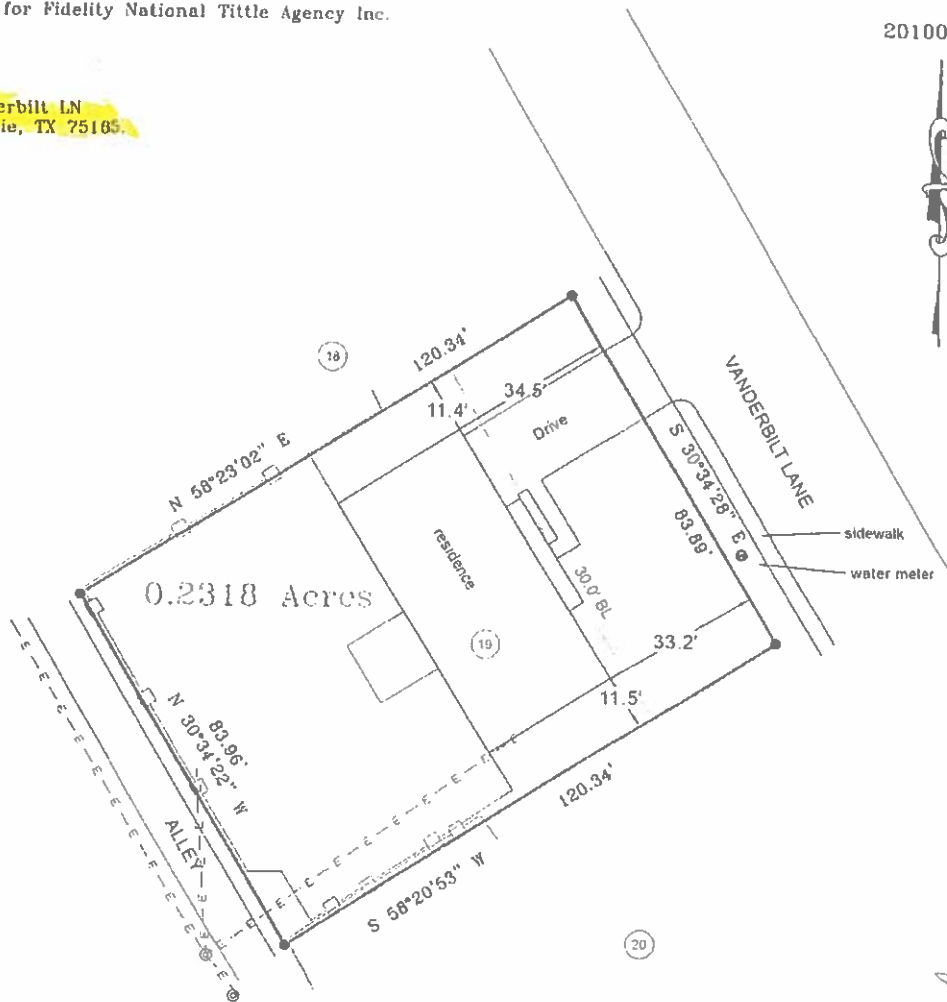
Surveyed for Fidelity National Title Agency Inc.

2010013

(10)

Address

137 Vanderbilt LN
Waxahachie, TX 75165.



PLAT OF SURVEY SHOWING
LOT 19, BLOCK 2, UNIT II,
COLLEGE HILLS ADDITION
CITY OF WAXAHACHIE
CABINET A, SLIDE 341
ELLIS COUNTY, TEXAS
SURVEYED OCTOBER 2020
SCALE 1 INCH = 30.00 FEET

Ruben Gregg Saxon

I, RUBEN GREGG SAXON, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5669, do hereby certify to Fidelity National Title Agency Inc. that the plat shown hereon was prepared from an actual survey made on the ground under my direction and supervision during the month of October 2020. Apparent, above ground, conflicts, protrusions or encroachments, if any, are as shown.

Surveyor's Note:

PLEASE KEEP ORIGINALS IN A SAFE PLACE. AFTER 30 DAYS MY RECORDS ARE ARCHIVED AND NO COPIES WILL BE PULLED. NO EXCEPTIONS.

GIVEN UNDER MY HAND AND SEAL, this the 19th day of October 2020.

Ruben Gregg Saxon



Bearing Source: (TX NC NAD83)

This survey is Copyrighted and Warranted for one transaction involving the party certified to. Use of this survey for another transaction or when the certified party is not a party to is a violation of copyright law and will void any warranty expressed or implied.

Date | Revision

— — — — — Overhead Power Line	— — — — — Wood Privacy Fence
— x — x — x — Barbed Wire Fence	— — — — — Pipeline
— — — — — Chain link Fence	— — — — — Telephone
⊙ = Railroad Spike Fnd.	■ = Con. Mrkr. Fnd.
⊕ = Railroad Spike Set	○ = 1/2" Iron Rod Set
⊙ = point for corner	⊙ = utility pole
● = 1/2" Iron Rod Fnd.	⊠ = "X" cut
▲ = 1/2" Iron Pipe Fnd.	⊠ = 3/8" Iron Pipe Fnd.
⊙ = 3/8" Iron Rod Fnd.	⊕ = 60D Nail Fnd.
⊠ = 1" Iron Pipe Fnd.	⊠ = 60D Nail Set

Bent Pine Surveying, Inc.
P.O. Box 503
Lillian Tx, 76061
BentPineSurveying.com
gregg@BentPineSurveying.com
FIRM # 10194326

Drawn by: R.G.S.
Field Work by:
Book/Page:

EXHIBIT E - HOST RULES

(10)

RECEIVED JUL 2 9 2024

House rules

You'll be staying in someone's home, so please treat it with care and respect.

Checking in and out

Check-in after 3:00 PM

Checkout before 11:00 AM

Self check-in with lockbox, lockboxes are provided both front and rear doors with same code

During your stay

6 guests maximum

No pets

Quiet hours

10:00 PM - 7:00 AM

No parties or events

No Smoking I

Gather used towels

Throw trash away (Green bin for trash)(Blue bin recycle)

Turn things off when not in use please

Please no street parking/ parking is provided behind the home

Additional requests

we require no stripping of beds , that is the cleaning staff responsibility , Thank's for your booking and we hope you had an enjoyable stay.

Planning & Zoning Department Zoning Staff Report

Case: ZDC-130-2024



MEETING DATE(S)

Planning & Zoning Commission: July 23, 2024
City Council: August 5, 2024

CAPTION

Public Hearing on a request by Jose Perez, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family Dwelling-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) - Owner: Jose & Maria Perez (ZDC-130-2024)

RECOMMENDED MOTION

- "I move to deny of ZDC-130-2024, a Specific Use Permit (SUP) for Short-Term Rental use."
- "I move to approve of ZDC-130-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff, authorizing the City Manager and/or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 23, 2024, the Commission voted 6-1 to recommend approval of case number ZDC-130-2024, subject to the conditions of the staff report and the additional condition that the applicant shall submit an updated copy of the host rules to reflect the maximum off-street parking of three (3) vehicles. No vehicles shall be parked on the street, in front of the primary structure, at any time. The applicant has since submitted an updated copy of the host rules (Exhibit E).

APPLICANT REQUEST

The Applicant requests a Specific Use Permit for a Short-Term Rental use at 103 Johnston Boulevard.

CASE INFORMATION

Applicant: Jose Perez

Property Owner(s): Jose & Maria Perez

Site Acreage: 0.177 acres

Current Zoning: Single-Family Dwelling-2 (SF-2)

Requested Zoning: SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 103 Johnston Boulevard

Parcel ID Number(s): 174978

Existing Use: Residential use

Development History: The subject property is platted as Lot 10, Block 5 of the Northgate II Addition

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Residential
East	SF-2	Residential
South	SF-2	Residential
West	SF-2	Residential

Future Land Use Plan: Mixed Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via Johnston Boulevard.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP, with the exception of the Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The applicant requests a SUP for short-term rental use at 103 Johnston Boulevard because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,538 square feet, built in 1983 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.177 acres (7,710 square feet) lot. The applicant has been operating a short-term rental since approximately September 2022. The applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The applicant's local emergency contact is Xochitl Cantu (972) 251-3725, 611 Cardinal Drive, Red Oak, TX. 75154, xxcantu5@gmail.com, which is located approximately 9.5 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 109 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of seventeen (17) letters of opposition and two (2) letters of support were received by staff, with six (6) letters of opposition and one letter of support being inside the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The applicant shall provide an updated Certificate of Insurance or the Declaration page of the insurance policy to reflect the subject property's address and the minimum coverage amount of \$1,000,000 per occurrence.
2. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
3. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
4. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
5. The short-term rental operator shall provide a maximum of three (3) off-street parking spaces.
6. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
7. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan (Exhibit C)
6. Survey (Exhibit D)
7. Host Rules (Exhibit E)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Senior Planner

oanh.vu@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(11)

Case Number: ZDC-130-2024

City Reference: 174936

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments

Short term rentals pose a potential disturbance to existing family-friendly neighborhood.

[Handwritten Signature]
Signature

Joc Oscar Barrentine
Printed Name and Title

+ *[Handwritten Signature]*
+ *[Handwritten Signature]*

7- -2024
Date

101 San Jacinto
Address
Waxa

(11)

RECEIVED JUL 2 9 2024

Search your mail or the web



Home

Compose



Keep as New



Today's Features

New Mail 1.5K

Old Mail

Starred

Drafts

Sent

Spam

Recently Deleted

Less

Views Hide

Contacts

Photos

Documents

Subscriptions

Receipts

Credits

Travel

Folders Show

103 Johnston Blvd - Mr. Jose Perez

Old Mail ☆



Lucy Mares

From: lmares4@yahoo.com

To: PLJ49@cs.com



Tue, Jun 18 at 11:55 AM ☆

To Whom It May Concern,

My name is Lucy Mares I live at 102 Johnston Blvd. Mr. Perez has an Airbnb across the street from us at,

103 Johnston Blvd. There are people that come just about every week to stay at his Airbnb. We have never had any problems

with anyone who stays at his Airbnb. There has never been any loud music, parties, or any disturbance in our neighborhood.

If you have any questions please feel free to contact me.

Thank you,

Lucy Mares
972-935-8791
lmares4@yahoo.com



Reply, Reply All or Forward



Lucy Mares

lmares4@yahoo.com
+ Add to contacts

Case Number: ZDC-130-2024

City Reference: 175016

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED JUL 17 2024

Comments:

Fred Dobson

Signature

7-13-2024

Date

Fred Dobson

Printed Name and Title

103 Big Bend Blvd

Address

()

Case Number: ZDC-130-2024

City Reference: 174912

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED JUL 1 02024

Comments:

People that are not residents have no respect for our property. I feel this will impact my property value as well.

Carol Elaine Cole

Signature

7-8-2024

Date

CAROL ELAINE COLE

Printed Name and Title

104 SAN JACINTO CT

Address

(11)

Case Number: ZDC-130-2024

City Reference: 174979

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED JUL 17 2024

Comments:

TOO MANY RENTALS IN NEIGHBORHOOD

Robert W. Hulien
Signature

7/15/24
Date

ROBERT W. HULIEN OWNER
Printed Name and Title

105 JOHNSTON BLVD,
Address

(11)

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2024

MC NUTT BRENT A & BROOKSIE F
106 NOEL ST
WAXAHACHIE, TX 75165-1324

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-130-2024

City Reference: 174947

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Brent McNutt
Signature

07-06-2024
Date

BRENT MCNUTT - OWNER
Printed Name and Title

106 NOEL, WAXAHACHIE TX 75165
Address

Case Number: ZDC-130-2024

City Reference: 174928

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED JUL 1 02024

Comments:

Due to heavy traffic I oppose, and loud noise
this is a neighborhood, not a place for parties
and loud music, and ect.

Signature Darrell Soudon

Date July 7th

Printed Name and Title

Address

(11)

Case Number: ZDC-130-2024

City Reference: 175025

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*I believe this is only asking for
trouble as has happen in other cities*

Joann Baggs
Signature

7-14-2024
Date

Joann Baggs
Printed Name and Title

108 Johnston
Address

(11)

RECEIVED JUL 17 2024



(11)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2024

COLLINS SYLVIA M
PO BOX 2574
WAXAHACHIE, TX 75168-8574

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-130-2024

City Reference: 174897

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Sylvia Collins
Signature

7/15/2024
Date

Sylvia Collins
Printed Name and Title

110 Big Bend Blvd.
Address
Waxahachie Tx 75165

(11)

Venissat, Michelle

From: Sylvia Hastings <slhtwin@yahoo.com>
Sent: Wednesday, July 10, 2024 1:01 PM
To: Planning
Subject: Notice of Public Hearing Case Number ZDC-130-2024

We OPPOSE the request for a specific use permit for short term rental use at 103 Johnston Boulevard. We don't feel this would be a positive move for our neighborhood.

Dr. Ronnie J. and Sylvia Hastings
114 San Jacinto CT.
Waxahachie, TX 75165

July 10, 2024

Sent from Yahoo Mail on Android

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2024

RECEIVED JUL 09 2024

VENABLE JUDY
119 JOHNSTON BLVD
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-130-2024

City Reference: 174976

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

Comments:

SUPPORT

OPPOSE

Judy Sawyer (Venable)
Signature

Judy Venable Sawyer
Printed Name and Title

7-9-2024
Date

119 Johnston Blvd.
Address
Waxahachie TX

75165

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2024



POPE DWAYNE D ETAL
124 BIG BEND BLVD
WAXAHACHIE, TX 75165-1321

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-130-2024

City Reference: 174992

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Dwayne Pope
Signature

Dwayne Pope
Printed Name and Title

07/09/2024
Date

124 Big Bend Blvd
Waxahachie Tx 75165
Address

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2024

RECEIVED JUL 17 2024

JENKINS CAROLYN L/E WESSON FAMILY INVESTMENTS LP
198 INDIGO WAY
WAXAHACHIE, TX 75165-1591

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-130-2024

City Reference: 223788

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Thinking of neighbors -

Carolyn Jenkins
Signature

7-15-24
Date

Carolyn Jenkins L/E
Printed Name and Title

198 Indigo Way
Address

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2024

WALLACE J RICHARD & SHEILA R
200 NORTHGATE DR
WAXAHACHIE, TX 75165-1315

RECEIVED JUL 16 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-130-2024

City Reference: 174935

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I have no problem with people using their property as they choose. They do need to have rules about trash & a decent hour on noise that can be handled with the agreement between renter & owner
Sheila Wallace
7-16-2024

Signature

Date

Sheila Wallace, neighbor
Printed Name and Title

200 Northgate Dr.
Address

Case Number: ZDC-130-2024

City Reference: 174910

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

This house is directly behind our house we
"Do Not" want the Short-Term Rentals in our
neighborhood at all!!

7-5-23

Signature Ann Watson

Date

Ann Watson
Printed Name and Title

202 San Jacinto
Address Waxahachie, TX
75165

RECEIVED JUL 08 2024

(11)

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2024

TURNER RICHARD M
203 JOHNSTON BLVD
WAXAHACHIE, TX 75165-1343

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-130-2024

City Reference: 174969

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

We don't need more misc people wandering our neighborhood.

Richard Turner
Signature

7/8/24
Date

Richard Turner
Printed Name and Title

203 Johnston Blvd
Address

Property Owner

Case Number: ZDC-130-2024

City Reference: 174930

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I oppose because of noise, parking issues, traffic & safety to myself & the neighborhood. I want to stay with party neighbors.

[Signature]
Signature

7-12-24
Date

Rhonda Mabry
Printed Name and Title

203 Sa Jacinto
Address



RECEIVED JUL 1 2 2024

Case Number: ZDC-130-2024

City Reference: 174916

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

The negativity associated with this request far out weighs the benefits to city coffers & causes much upheaval to neighborhood.

Jerry Bell
Signature

7-9-24
Date

Jerry Bell, Mr.
Printed Name and Title

212 San Jacinto
Waxahachie, TX
Address

[Handwritten signature]

RECEIVED JUL 1 22024



Jerry Bell
212 San Jacinto St
Waxahachie TX 75165-1319

(11)

Case Number: ZDC-130-2024

City Reference: 174852

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I do not approve of this request. May cause increase in traffic. Will parties be held? What about extra noise?
Not a good idea for subdivisions.

Elaine Adams
Signature

Date

7-6-2024

Elaine Adams, Homeowner
Printed Name and Title

213 Northgate
Address

213 Northgate

Waxa., Tx 75165

(12)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 103 JOHNSTON BOULEVARD, BEING PROPERTY ID 174978 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 10, BLOCK 5 OF THE NORTHGATE II ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-130-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission, was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2 with a SUP in order to permit a Short-Term use on the following property: Lot 10, Block 5 of the Northgate II Addition, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan attached as Exhibit C, the Survey attached as Exhibit D, and the Host Rules attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-130-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan, Exhibit D – Survey, and Exhibit E – Host Rules.
3. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.
6. The owner/short-term rental operator is subject to a maximum occupancy of eight (8) guests per stay.
7. The short-term rental operator is subject to provide a maximum of three (3) off-street

(12)

parking spaces.

8. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
10. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

ATTEST:

City Secretary

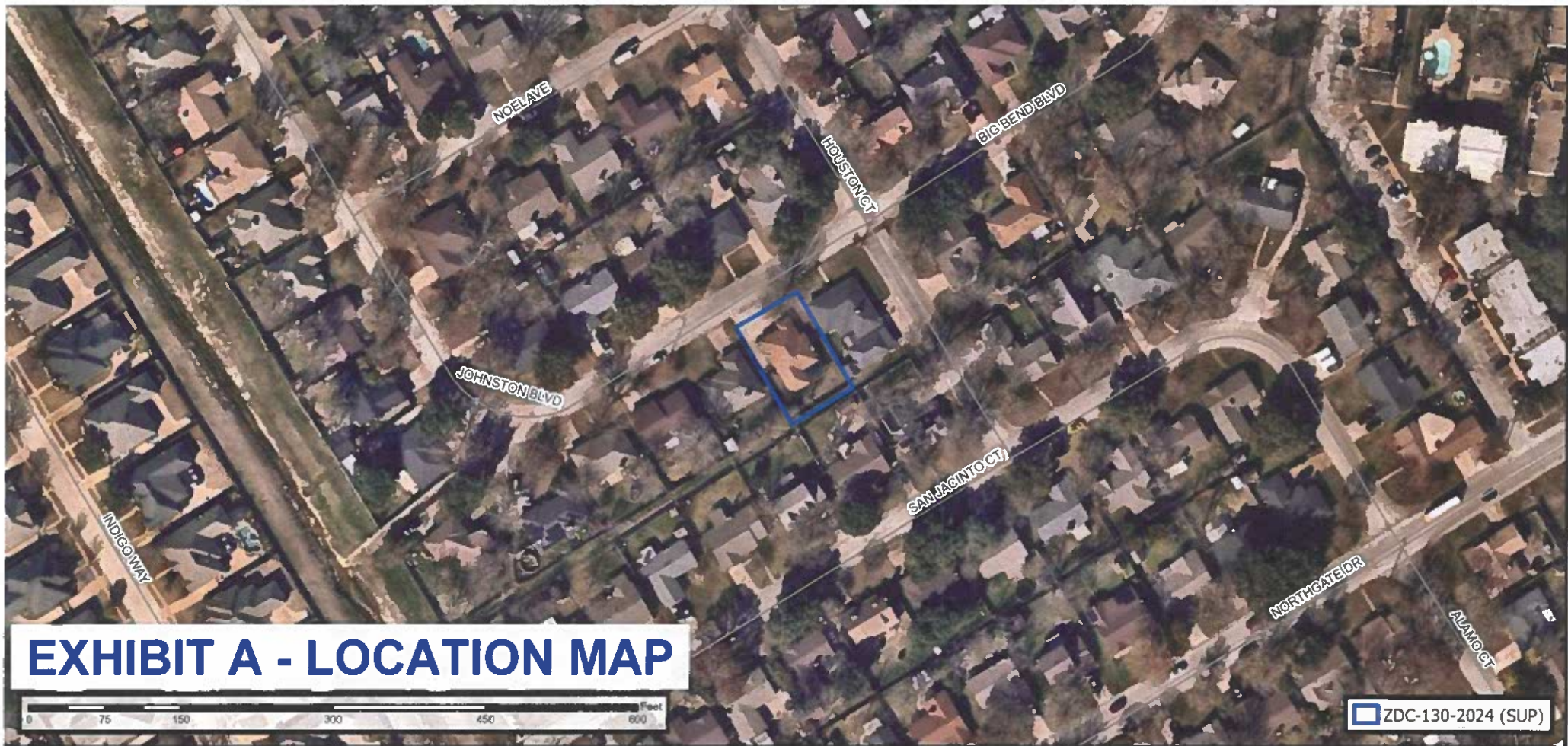


EXHIBIT A - LOCATION MAP

0 75 150 300 450 600 Feet


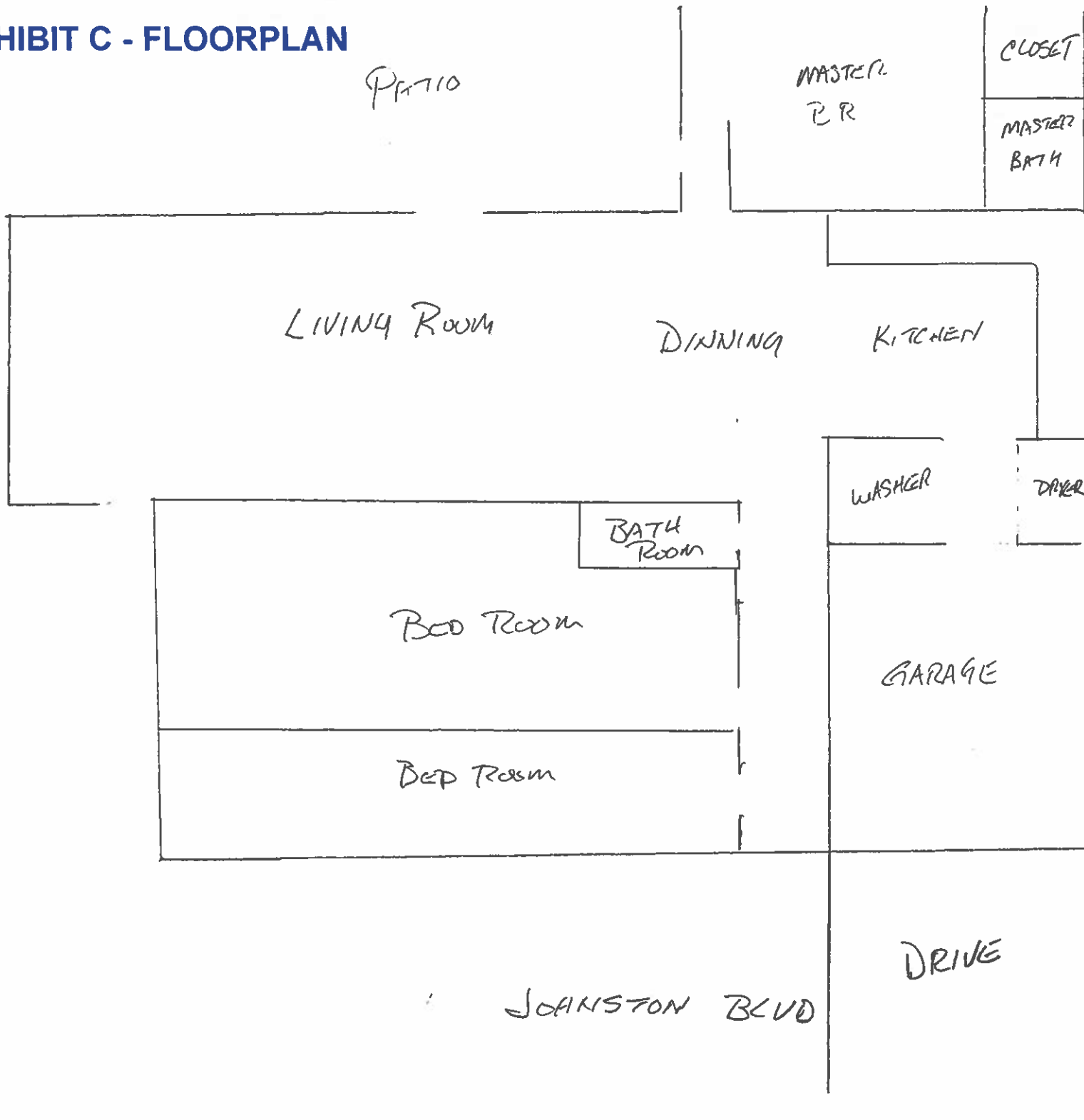
 ZDC-130-2024 (SUP)



EXHIBIT C - FLOORPLAN



(12)

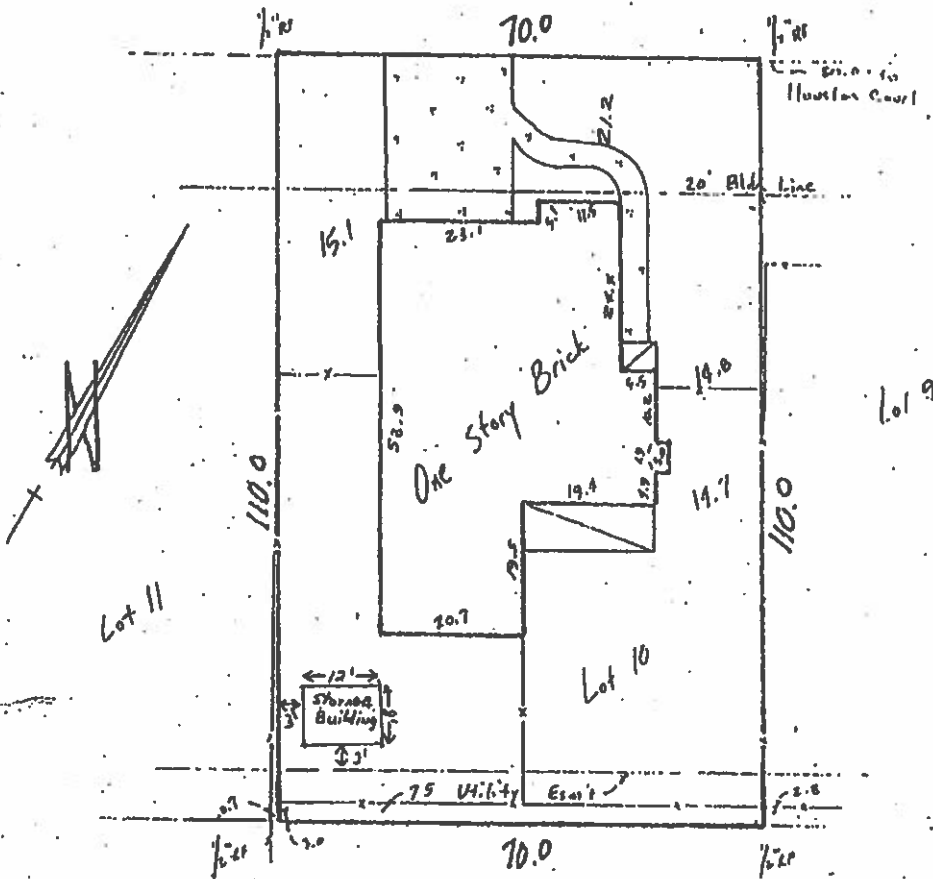
EXHIBIT D - SURVEY SURVEY PLAT

(12)

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 103 JOHNSTON BOULEVARD
 Lot No. 10 Block No. 5 City Block No. _____
 of NORTHGATE TWP an addition to the
 City of WAKAHARUE, ELLIS COUNTY, Texas, according to the Map or Plat thereof
 recorded in CABINET A SLICE 664 PLAT Records ELLIS County, Texas.
 The Property shown herein is located in Zone X according to Community Panel Number
480211-0005-C of the U.S. Department of Housing and Urban Development
 Flood Hazard Boundary Map data 7-16-91

The survey is hereby accepted with the discrepancies, omissions, shortages in area of boundary lines, encroachments, protrusions, or overlapping of improvements shown.

John S. Patton
JOHNSTON (50' R.W.) BOULEVARD



John S. Patton Nancy C. Patton

This plat is a true, correct, and accurate representation of the property, as determined by an on the ground survey, the lines and dimensions of said property being indicated on the plat, the size and location of existing improvements are as shown. THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in OP No. 94 WO 242 of TITLE RESOURCES Title Co.

JOB # 10985 DATE 4-14-94 SCALE 1" = 20'

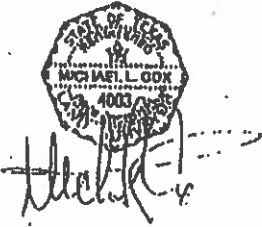


EXHIBIT E - HOST RULES

(12)

RECEIVED JUL 2 9 2024

House rules

You'll be staying in someone's home, so please treat it with care and respect.

Checking in and out

Check-in after 3:00 PM

Checkout before 11:00 AM

Self check-in with lockbox, lockboxes are provided both front and rear doors with same code

During your stay

6 guests maximum

No pets

Quiet hours

10:00 PM - 7:00 AM

No parties or events

No Smoking I

Gather used towels

Throw trash away (Green bin for trash)(Blue bin recycle)

Turn things off when not in use please

Please no street parking/ parking is provided behind the home

Additional requests

we require no stripping of beds , that is the cleaning staff responsibility , Thank's for your booking and we hope you had an enjoyable stay.

Planning & Zoning Department
Zoning Staff Report

Case: ZDC-124-2024



MEETING DATE(S)

Planning & Zoning Commission: July 23, 2024
City Council: August 5, 2024

CAPTION

Public Hearing on a request by Demi Oyerokun for a **Specific Use Permit (SUP)** for a **Minor Auto Repair Shop** use within a General Retail (GR) zoning district located at 1011 North US Highway 77 (property ID 173186) – Owner: Marline Six, LLC (ZDC-124-2024) Staff: Harper Lindamood

RECOMMENDED MOTION

"I move to approve of ZDC-124-2022, a Specific Use Permit (SUP) for a Minor Auto Repair Shop use, subject to the conditions of the staff report."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 23, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-124-2024, subject to the conditions of the staff report and the additional condition below:

- *Permission to operate an Auto Repair, Minor or Automotive Care Center use is granted only to Demi Oyerokun, Glass Doctor Auto. Approval to operate a Minor Auto Repair use at this location will not transfer to another Auto Repair, Minor or Automotive Care Center establishment or owner of Glass Doctor Auto.*

APPLICANT REQUEST

The applicant requests approval of a SUP to allow for an Auto Repair, Minor or Automotive Care Center use at 1011 North US Highway 77, Suite 109.

CASE INFORMATION

Applicant: Demi Oyerokun, Glass Doctor Auto

Property Owner(s): Marline Six, LLC

Site Acreage: 2.969 acres

Current Zoning: PD-13-GR

Requested Zoning: Auto Repair, Minor or Automotive Care Center

SUBJECT PROPERTY

General Location: 1011 North US Highway 77

Parcel ID Number(s): 173186

Existing Use:

Auto Repair, Minor or Automotive Care Center

Development History:

The subject property was platted in October 2000 as Lot 3A, Block 1 of the Eason Properties II Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-GR	General Retail
East	PD-GR	General Retail
South	PD-GR	General Retail
West	PD-MF	Planned Development

Future Land Use Plan:

Local Commercial

Comprehensive Plan:

The local commercial placetype includes areas for restaurants, shops, grocery stores, offices and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments

Thoroughfare Plan:

The subject property is accessible via North US Highway 77.

Site Image:



PLANNING ANALYSIS

The Applicant requests a Specific Use Permit for an Auto Repair, Minor or Automotive Center use (Glass Doctor Auto). The proposed business has been operating as an Auto Repair, Minor or Automotive Center

use since 2022 without a certificate of occupancy. The applicant submitted a Certificate of Occupancy request on May 15, 2024. Planning staff determined that per the City of Waxahachie Zoning Ordinance, the use of an Auto Repair, Minor or Automotive Center, requires a Specific Use Permit to be approved by the City Council within the General Retail (GR) zoning district. At this time, the CO application is on hold until City Council approves the required SUP.

Glass Doctor Auto is a specialized service provider offering professional auto window repair, replacement, and various minor automotive repairs to car windows. All of the repairs take place at their client's locations or within the Glass Doctors interior suite 109.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 19 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Applicant has only received one (1) letter of opposition, and one (1) letter of support.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request subject to the conditions noted below.

Conditions:

1. At no time shall vehicles be stored or worked on in the on-site parking areas.
2. The Minor Auto Repair Shop use can only operate in Suite 109, and cannot expand beyond the existing footprint (2048 square feet) without amending the zoning on the subject property.
3. All exterior signage shall require a sign permit from the Building Department.
4. Permission to operate an Auto Repair, Minor or Automotive Care Center use is granted only to Demi Oyerokun, Glass Doctor Auto. Approval to operate a Minor Auto Repair use at this location will not transfer to another Auto Repair, Minor or Automotive Care Center establishment or owner of Glass Doctor Auto.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
1. SUP Ordinance
2. Exhibit A – Location Map
3. Exhibit B – Site Plan
4. Exhibit C – Floor Plan

STAFF CONTACT INFORMATION

Prepared by:

Harper Lindamood
Planner

Harper.lindamood@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning

jennifer.pruitt@waxahachie.com

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-124-2024

RECEIVED JUL 08 2024

FABULA JOCELYN L
115 ALAMO ST
WAXAHACHIE, TX 75165-1310

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Demi Oyerokun for a Specific Use Permit (SUP) for a Minor Auto Repair Shop use within a General Retail (GR) zoning district located at 1011 US HWY 77, Suite 109 (Property ID 173186) – Owner: Marline Six LLC (ZDC-124-2024) Staff: Harper Lindamood

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-124-2024

City Reference: 174876

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

IT WILL ADD MORE NOISE + TRAFFIC. US 77 IS ALREADY CONGESTED + NOISY. I DON'T WANT ANYMORE NOISE + TRAFFIC IN THIS NEIGHBORHOOD!

07 - 08 - 2024

Signature

Date

JOCELYN THOMPSON
Printed Name and Title OWNER

115 ALAMO ST. WAXAHACHIE
Address TX 75165

Case Number: ZDC-124-2024

City Reference: 173186

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

RECEIVED JUL 1 02024

SUPPORT

OPPOSE

Comments:

We support this SOP 100%, its a big asset to the community.



Signature

Aaron Galberger - Broker

Printed Name and Title

Agent for Marlene G.

7/8/24

Date

*- 1011 N Hwy 77 - Waxahachie, TX
* 2301 FM 1187 ste 203*

Address

Marshall TX, 76053

(13)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO REPAIR, MINOR OR AUTOMOTIVE CARE CENTER USE WITHIN A PLANNED DEVELOPMENT-13-GENERAL RETAIL (PD-13-GR) ZONING DISTRICT, LOCATED 1011 N US HWY 77, SUITE 109, BEING PROPERTY ID 173186, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOT 3A, BLOCK 1 OF THE EASON PROPERTIES II ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as C; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-124-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-13-GR to PD-13-GR, with a SUP in order to permit an Auto Repair, Minor or Automotive Care Center use on the following property: a portion of Lot 3A, Block 1 of the Eason Properties II Addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and Floor Plan attached as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF AUTO REPAIR, MINOR OR AUTOMOTIVE CARE CENTER USE CENTER USE WITHIN A PLANNED DEVELOPMENT-13-GENERAL RETAIL (PD-13-GR) ZONING DISTRICT the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-124-2024.
2. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, and Exhibit C – Floor Plan.
3. At no time shall vehicles be stored or worked on in the on-site parking areas.
4. The Minor Auto Repair Shop use can only operate in Suite 109, and cannot expand beyond the existing footprint (2048 square feet) without amending the zoning on the subject property.
5. Permission to operate an Auto Repair, Minor or Automotive Care Center use is granted only to Demi Oyerokun, Glass Doctor Auto. Approval to operate a Minor Auto Repair use at this location will not transfer to another Auto Repair, Minor or Automotive Care Center establishment or owner of Glass Doctor Auto.
6. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance (Ordinance No. TBD) shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan and Exhibit C - Floor Plan. Where regulations are not specified in Exhibits B, C, or this Zoning Ordinance (Ordinance No. TBD), the regulations of the Planned Development-13-General Retail (PD-13-GR) zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
9. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

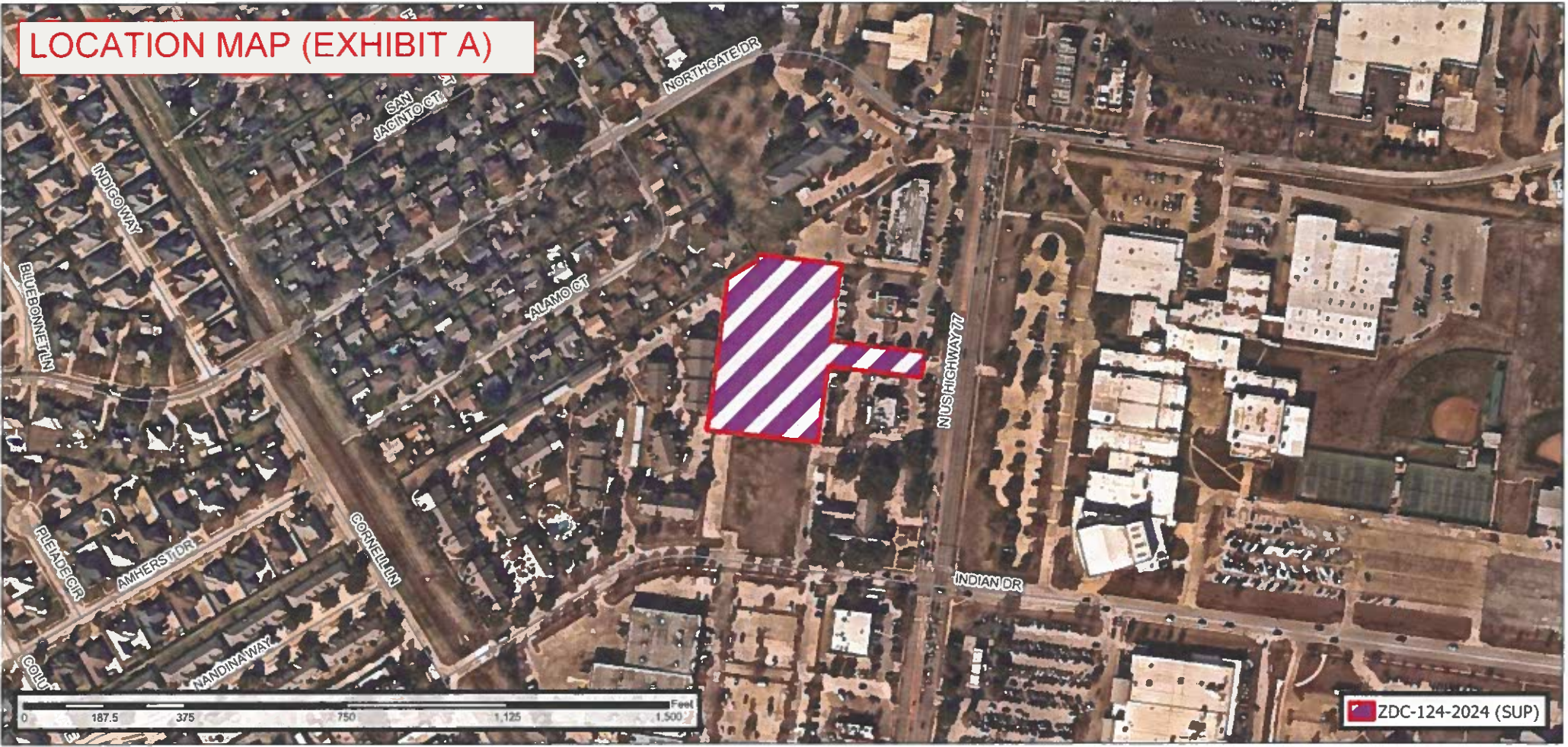
PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

ATTEST:

City Secretary

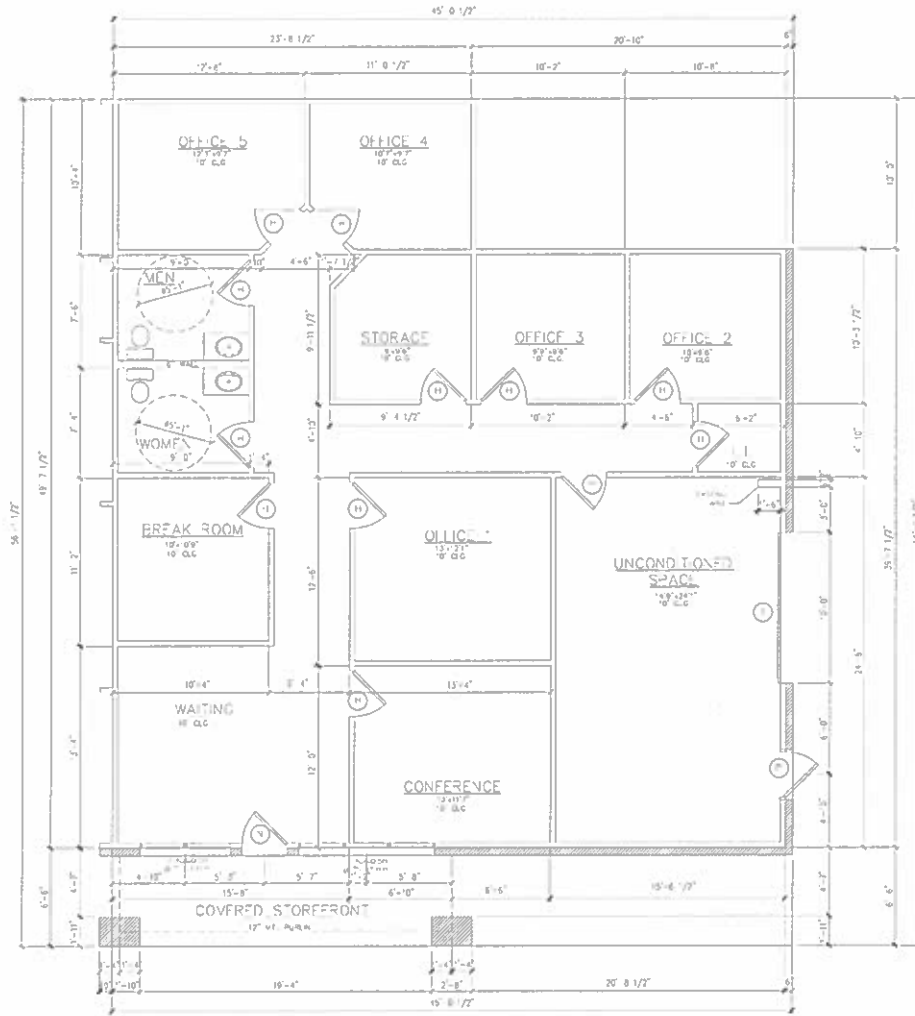
LOCATION MAP (EXHIBIT A)



ZDC-124-2024 (SUP)

FLOORPLAN (EXHIBIT C)

DOOR SCHEDULE	
DOOR MARK	REMARKS
⊙ 16/70	N.I.
⊙ 20/70	N.I.
⊙ 20/70	N.I. DBL.
⊙ 26/70	N.I.
⊙ 24/70	N.I.
⊙ 28/70	N.I.
⊙ 10/70	N.I.
⊙ 30/70	N.I.
⊙ 30/70	N.I. DBL.
⊙ 26/70	Ext. FRNCH.
⊙ 26/70	Ext. DBL.
⊙ 28/70	Ext. S.C.
⊙ 32/70	Ext. FU. 1"
⊙ 30/70	Ext. S.C.
⊙ 30/70	Ext. DBL.
⊙ 14/70	N.I.
⊙ 100/70	O.I.
⊙ 80/70	O.I.



AREA	SQ. FT.
FIRST FLOOR UNCONDITIONED SPACE	655
TOTAL COVERED STOREFRONT WIDTH	393
TOTAL COVERED STOREFRONT DEPTH	2048
	143
	45' 0 1/2"
	56' 1 1/2"

1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

NIKE HOMES
WAXHATCHIE
COMMERCIAL
PRINTED DATE:
10-23-19 NIDS-SE

DRAWN BY:
McLaughlin
SCALE: 1/8" = 1'-0"
11/21/19 2:15:13 PM

FLOOR PLAN

PAGE 1

(14)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-128-2024



MEETING DATE(S)

Planning & Zoning Commission: July 23, 2024
City Council: August 5, 2024

CAPTION

Public Hearing on a request by Erica Edwards, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan Street (Property ID 175135) - Owner: Seven Partners, LLC. (ZDC-128-2024)

RECOMMENDED MOTIONS

- *"I move to deny of ZDC-128-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."*
- *"I move to approve of ZDC-128-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."*

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 23, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-128-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a Specific Use Permit for a Short-Term Rental use at 211 Pecan Street.

CASE INFORMATION

Applicant: Erica Edwards

Property Owner(s): Seven Partners, LLC

Site Acreage: 0.25 acres

Current Zoning: Single Family-2 (SF-2)

Requested Zoning: SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 211 Pecan Street

Parcel ID Number(s): 175135

Existing Use: Residential use

Development History: The subject property is platted as Lot 8R, Block 3 of the Park Hill Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Residential
East	SF-2	Residential
South	SF-2	Residential
West	SF-2	Residential

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 211 Pecan Street, it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 1,073 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.164-acre (7,143 square feet) lot.

The applicant submitted the SUP application on June 10, 2024. The applicant has not been operating a short-term rental. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The local emergency contact provided by the applicant is Erica Edwards (214) 536-1820, 104 Sweetleaf Dr., Red Oak, Texas 75154, Erica.santoyoedwards@gmail.com located 12.8 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 93 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of seven (7) letters of support and two (2) letters of opposition were received by staff, with two (2) letters of support and zero (0) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
4. The short-term rental operator shall provide a maximum of three (3) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations in Section 3.27 of the City's Zoning Ordinance.
6. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan (Exhibit C)
6. Site Plan (Exhibit D)
7. Host Rules (Exhibit E)

STAFF CONTACT INFORMATION

Prepared by:

Harper Lindamood
Planner

Harper.lindamood@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning

jennifer.pruitt@waxahachie.com

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-128-2024**

ELM ST PROPERTIES LLC
200 S ELM ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-128-2024**

City Reference: 175266

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature: *[Handwritten Signature]*
Printed Name and Title: *Dusty Perry / owner*

Date: *7-5-24*
Address: *200 S Elm Way TX*

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-128-2024**

ELM ST PROPERTIES LLC
200 S ELM ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-128-2024**

City Reference: 200771

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

[Signature]
Signature
Debra Ayres / Owner
Printed Name and Title

7-5-24
Date
200 S Elm Wxah
Address
75165

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-128-2024**

**ELM ST PROPERTIES LLC
200 S ELM ST
WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-128-2024**

City Reference: 175270

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Printed Name and Title

Date

Address

[Handwritten Signature]
Erica Edwards/owner

7-5-24
2005 Elm Way TX 75165

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-128-2024**



**ELM ST PROPERTIES LLC
200 S ELM ST
WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-128-2024**

City Reference: 175229

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

Comments: SUPPORT OPPOSE

Signature: *[Handwritten Signature]*
Printed Name and Title: *Dusty Avey / Owner*

Date: *7-5-24*
Address: *200 S Elm Ave TX 75165*

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2024

SCHOOLING JOSHUA S
306 PECAN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-128-2024

City Reference: 171588

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Too many renters in the area not taking care of property (ie. overgrown yards...) We do want homeowners that take pride in their property.

Joshua Schooling
Signature

7/15/2024
Date

Joshua Schooling
Printed Name and Title

306 Pecan St
Address

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2024



CODY GREGORY L & CAROL POPE-CODY
2035 TARTAN TRL
LEWISVILLE, TX 75077-3151

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-128-2024

City Reference: 171990

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

It's an opportunity to visit the Beautiful City of Waxahachie.

Gregory L. Cody

Signature

7/8/24

Date

Gregory L. Cody, Owner

Printed Name and Title

203 812 E. Ross St.

Address

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2024



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED JUL 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-128-2024

City Reference: 175162

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

We should support + embrace tourism

Signature

7/12/24

Date

Brad Yates manager

Printed Name and Title

212 Aldridge

Address

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2024

RECEIVED JUL 17 2024

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-128-2024

City Reference: 223902

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Not enough quality places to stay +
the ones we have are full on
weekends

Signature

Date 7/12/24

Printed Name and Title Brad Yates manager

Address 215 Pecan

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2024



JOHNSON CAREN D
210 ALDRIDGE ST
WAXAHACHIE, TX 75165-4482

RECEIVED JUL 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 5, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-128-2024

City Reference: 175161

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 17, 2024** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Caren D. Johnson
Signature

CAREN D. JOHNSON, Home owner
Printed Name and Title

July 9, 2024
Date

210 Aldridge St, Waxa, TX
Address

(16)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED 211 PECAN STREET BEING PROPERTY ID 175135, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 8R 3 PARK HILL ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THERE OF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-128-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with a SUP in order to permit a Short-Term Rental use on the following property: Lot 8R 3 Park Hill Addition, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan Exhibit C, Site Plan attached as Exhibit D, and the Host Rules attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

(16)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE-FAMILY-2 (SF-2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-128-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan, Exhibit D – Site Plan, and Exhibit E – Host Rules.
3. The Applicant and/or STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The Applicant and/or STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits D and E.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.
6. The owner/short-term rental operator is subject to a maximum occupancy of eight (8) guests per stay.
7. The short-term rental operator is subject to provide a maximum of three (3) off-street parking spaces.

(16)

8. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
10. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2024.

MAYOR

ATTEST:

City Secretary

LOCATION MAP (EXHIBIT A)

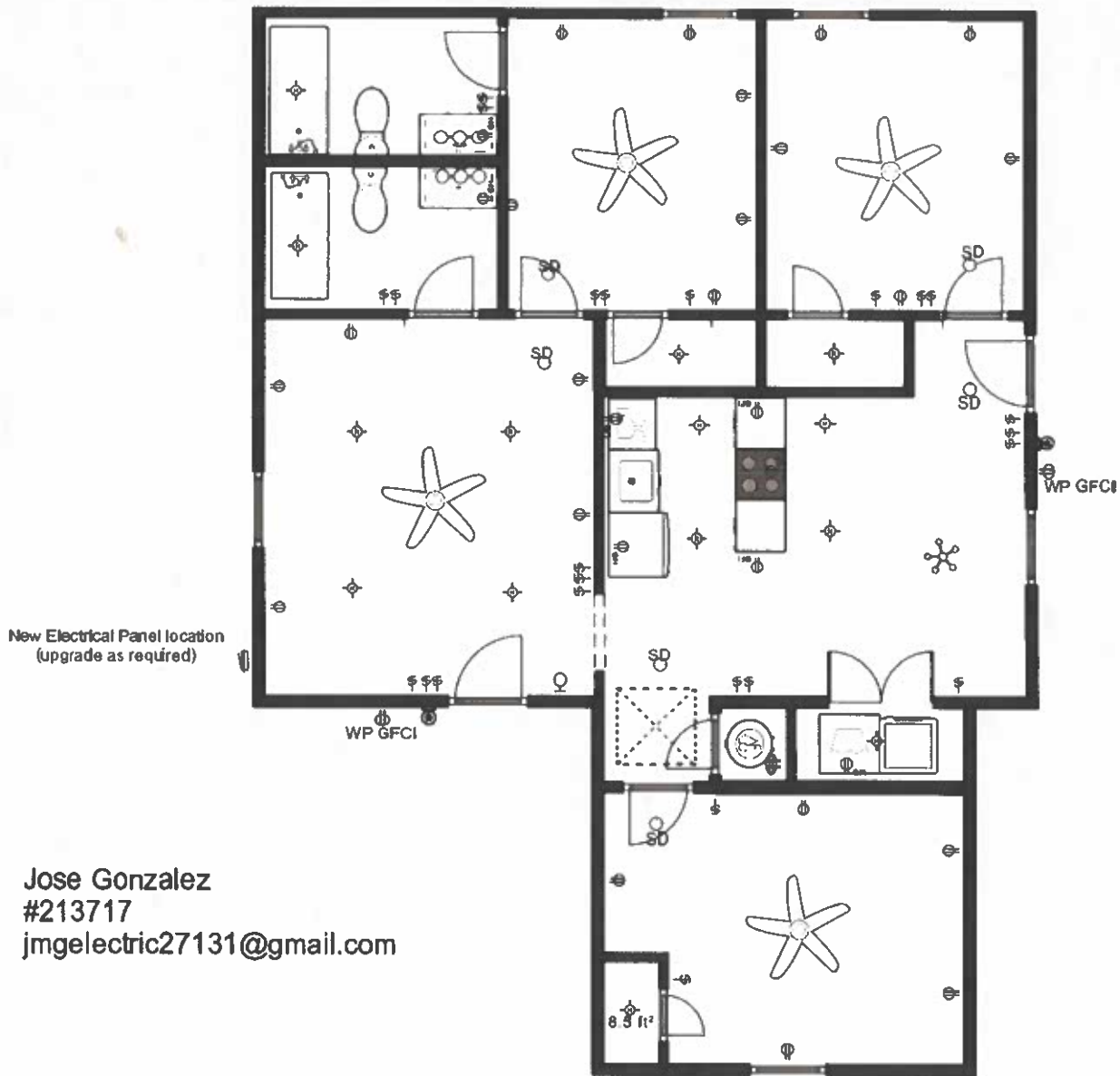


(12)

ZONING MAP (EXHIBIT B)



(11)



Jose Gonzalez
 #213717
 jmgelectric27131@gmail.com

211 Pecan Electrical Plan

- **Electrician must verify all fixture types and placement with home owner before electrical work commences**
- Electrician to do all electrical work to local & state code
- **HARD WIRED SMOKE DETECTORS TO BE PLACED JUST INSIDE & OUTSIDE EACH SLEEPING ROOM**
- **BRING ALL ELECTRICAL UP TO LOCAL & STATE CODE

SITE PLAN (EXHIBIT D)

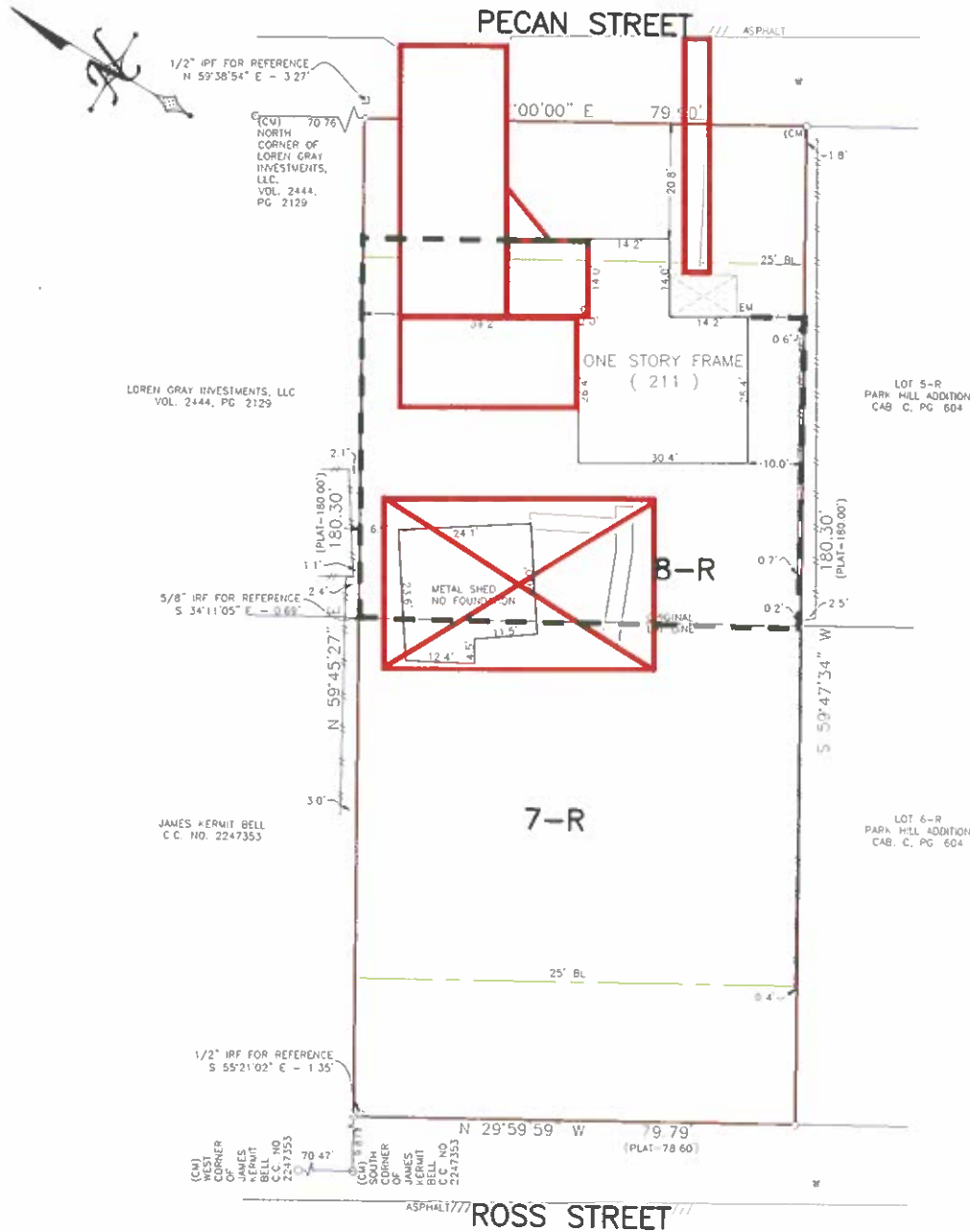
(14)

1529 E I-30, STE. 103
GARLAND, TEXAS 75043
FIRM REGISTRATION NO. 10194366

SURVEY PLAT



BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 211 PECAN STREET in the City of WAXAHACHIE, Texas.
BEING LOTS 7-R AND 8-R, BLOCK 3, REPLAT OF PARK HILL ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN CABINET B, SLIDE 395, OF THE MAP AND/OR PLAT RECORDS OF ELLIS COUNTY, TEXAS.



BEARINGS ARE BASED ON NAD 83 DATUM, TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE

ACCEPTED BY: _____

PROPERTY SUBJECT TO EASEMENTS & RESTRICTIONS
Cabinet A, Slide 22, Cabinet A, Slide 132
The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements TITLE AND ABSTRACTING WORK FURNISHED BY KANE TITLE
THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.
Scale: 1" = 20'
Date: 08/01/2023
G. F. No.: 20230306158W
Job no.: 202304596
Drawn by: JSR

LEGEND

WOOD FENCE	IRON FENCE
IRON ROD FOUND	WIRE FENCE
BOUNDARY LINE	ELECTRIC METER
CM - CONTROLLING MONUMENT	W - WORKMENTS OF RECORD DIGMITY
1/2" IRON PIPE FOUND	1/2" YELLOW-CAPPED IRON ROD FOUND
3/8" IRON PIPE FOUND	1/2" IRON PIPE FOUND
3/8" IRON ROD FOUND	POINT FOR COPPER FOUND
IPF - IRON PIPE FOUND	C - CABLE
	E - ELECTRIC
	CL - CLEAN OUT
	PE - POOL EQUIP
	G - GAS METER
	⊙ - POWER POLE
	F - FIRE HYDRANT
	⊕ - TELEPHONE
	L - LIGHT POLE
	W - WATER METER
	M - MANHOLE
	V - WATER VALVE
	(UNLESS OTHERWISE NOTED)



KANETITLE, LLC



Barry S. Rhodes

HOUSE RULES (EXHIBIT E)

(16)

Arrival Times: 4:00 PM-9:00 PM

Max Guest: 6

Property is monitored with a ring doorbell and a side ring camera.

Trash Day is early Tuesday morning. If you are staying on Monday evening please roll trash bins to the street for early pick up.

House Maintenance: PLEASE NOTE: that routine grounds men come to keep the yard great and safe for families to enjoy. We ask that you be aware of this as they may be on the property. They will only ever be outside of course and for less than an hour. *If you do not wish to have the them come by during your stay please notify us BEFORE your check-in* .

House RULES

*NO parties or social gatherings

*NO unregistered guest- Each unregistered guest is subject to a surcharge of \$25 a day/ per extra guest.

*Please don't rearrange our furniture

*Don't eat in the bedrooms

*Smoking is NOT allowed inside the home or within 50 ft. of the property.

*Pets are NOT allowed.

*NO parking on empty lot; please park in the driveway.

*Damages exceeding the deposit amount will be billed to the guest and reported to Airbnb

*Quiet hours are between the hours of 10 pm- 8 am

EXTRA RULES

If requested by the host, guests are required to provide a copy of their government-issued ID and a list of full names of all guests staying at the property to the host. TRASH DAY: If you are staying on a Sunday evening please roll out the trash bins for collection; Trash comes by early in the morning Monday.

SUPPLIES: We provide an initial amount of supplies during your stay. WE DO NOT replenish items during your stay. Bath towels and wash towels are left for the

HOUSE RULES (EXHIBIT E)

(16)

max. number of guests that can occupy the property (4) PLEASE NOTE: that routine grounds men come to keep the yard great and safe for families to enjoy. We ask that you be aware of this as they may be on the property. They will only ever be outside of course and for less than an hour. *If you do not wish to have the them come by during your stay please notify us BEFORE your check-in* . *NO parties or social gatherings *NO unregistered guest- Each unregistered guest is subject to a surcharge of \$25 a day/ per extra guest. *Please don't rearrange our furniture *Don't eat in the bedrooms *Smoking is NOT allowed inside the home or within 50 ft. of the property. *Pets are NOT allowed. *NO parking on empty lot; please park in the driveway. *Damages exceeding the deposit amount will be billed to the guest and reported to Airbnb *Quiet hours are between the hours of 10 pm- 8 am Thank you for following our house rules. We hope your stay is comfortable! Any questions, just message us through the Airbnb app. ****Important**** By booking you agree that you have read & agree to comply with these rules and failure could result in being asked to leave the property without refund: No Parties: Zero tolerance policy for parties. \$1000 fee if the police visit our home due to a neighborhood complaint. Occupancy Limit: No more than 6 guests in our home at any one time due to city occupancy regulation. Unregistered/Unauthorized guests are prohibited. Each unregistered/ Unauthorized guest is subject to a surcharge of \$25 a day/ per extra guest. No Smoking: \$1000 fee if a guest smokes inside our home or leaves ashes or pieces of tobacco or marijuana inside our home. If smoking outside, guests are required to do so 50 ft away from the home and dispose of any cigarette butts before checking out. Late Checkout: If housekeeping arrives after checkout and the guest has not vacated the home, the guest will be charged for housekeeping's time until they have vacated the home. This fee does not award the guest possession of the home after checkout. We strive to provide a great experience for guests. Unauthorized party, smoke, or pet requires an exhaustive process on short notice to ensure a great experience for the next guest. Thank you for your cooperation.

(17)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Senior Director of Finance

Thru: Michael Scott, City Manager

Date: August 5, 2024

Re: Consider and adopt an Ordinance providing for the issuance Certificates of Obligation; and ordaining other matters relating to the subject.

Recommended Motion: "I move to adopt an ordinance providing for the issuance of City of Waxahachie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2024; levying an annual ad valorem tax and providing for the security for and payment of said Certificates; approving the Official Statement; and ordaining other matters relating to the subject."

Item Description: This action approves an ordinance authorizing the issuance of Certificates of Obligation to fund various capital projects in the City's Capital Improvement Plan (CIP). Upon approval, and successful pricing and selling of the bonds, the funds would be expected to be delivered and available in early September.

Item Background: The Capital Improvement Program (CIP) describes the City's large multi-year capital projects which provide new or improved City infrastructure, and comprises of projects for streets, sidewalks and drainage; park improvements; water and wastewater utilities; and municipal facilities. The CIP is funded through multiple funding sources, including proceeds from bond issuances, operating funds, and development impact fees.

On April 11, 2024, at the City Council Worksession, staff presented the CIP – updated annually – along with strategies to fund various capital projects for the upcoming year. As part of this overall strategy, the CIP includes the issuance of certificates of obligation to fund a portion of these projects. The total bond package is \$42.5 million and consists of streets, parks, public safety, and water

and wastewater projects. If approved, these projects will be funded through the ad valorem tax rate, and water and wastewater fees.

On June 3, 2024, City Council passed a resolution to approve the publication of notice of intention to issue certificates of obligation. This was the first formal step to begin the process of issuing bonds to fund various streets, water, wastewater, parks and public safety capital projects. Notices were published in the newspaper on June 12 and June 19. Additionally, staff prepared the Preliminary Official Statement and other required information, and met with appropriate bond rating agencies.

Fiscal Impact: The City utilizes certificates of obligation to fund capital projects throughout the City as part of its Capital Improvement Program funding strategy. The debt service required to fund the streets, parks and public safety project costs are accounted for in current budget projections and would not require an increase in the total ad valorem tax rate. The water and wastewater projects would be funded through water and wastewater fees.

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS
COUNTY OF ELLIS
CITY OF WAXAHACHIE

We, the undersigned officers of the City of Waxahachie, Texas (the "City"), hereby certify as follows:

1. The City Council of said City convened in Regular Meeting on August 5, 2024, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

- Billie Wallace, Mayor
- Chris Wright, Mayor Pro Tem
- Travis Smith, Member
- Patrick Souter, Member
- Tres Atkins, Member

Amber Villarreal, City Secretary

and all of said persons were present except, _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Ordinance be adopted and, after due discussion, said motion, carrying with it the adoption of said Ordinance, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTAIN: _____

2. That a true, full and correct copy of the aforesaid Ordinance adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Ordinance has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the adoption of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

(17)

3. That the Mayor of said City has approved and hereby approves the aforesaid Ordinance; that the Mayor and the City Secretary of said City have duly signed said Ordinance; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

SIGNED AND SEALED ON AUGUST 5, 2024.

City Secretary,
City of Waxahachie, Texas

Mayor,
City of Waxahachie, Texas

(CITY SEAL)

ORDINANCE NO. _____

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on June 3, 2024, the City Council of the City of Waxahachie (the "City" or the "Issuer") passed a resolution authorizing and directing notice of its intention to issue certificates of obligation in a maximum principal amount of \$42,900,000 with such notice to be published in a newspaper as required by Section 271.049 of the Texas Local Government Code ("Section 271.049"); and

WHEREAS, a notice was published in the *Waxahachie Sun*, a "newspaper" of the type described in Section 2051.044 of the Texas Government Code, as required by Section 271.049, on June 12, 2024 and June 19, 2024; and

WHEREAS, said notice stated that the City Council of the City tentatively proposed to adopt an ordinance authorizing the issuance of the certificates of obligation at a regular meeting to commence at 7:00 o'clock, p.m., on the 5th day of August, 2024 and

WHEREAS, no petition, signed by at least 5% of the qualified electors of the City as permitted by Section 271.049 protesting the issuance of such certificates of obligation, has been filed; and

WHEREAS, the certificates of obligation hereinafter authorized are to be issued and delivered pursuant to the Texas Constitution and the laws of the State of Texas, including specifically Subchapter C of Chapter 271 of the Texas Local Government Code; Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

Section 1. AUTHORIZATION OF CERTIFICATES OF OBLIGATION. That the City's certificates of obligation, to be designated the "City of Waxahachie, Texas Combination Tax and Revenue Certificate of Obligation, Series 2024" (the "Certificates"), are hereby authorized to be issued and delivered in an aggregate principal amount of \$[42,900,000] for the purpose of paying contractual obligations to be incurred by the City for the following purposes, to-wit: the construction, installation and equipment of park and recreational improvements; the construction, renovation, improvement and equipment of existing municipal buildings; the construction, renovation, improvement and equipment of buildings, facilities and public safety facilities for the public works, parks and recreation, and police departments; the acquisition of vehicles and equipment for the for the public works and fire departments; constructing and improving streets, including related sidewalks, cycle paths, signage and signalization, landscaping, streetscaping, drainage, utility line relocations and the acquisition of land and rights-of-way therefor; the construction of improvements and extensions to the City's water and wastewater systems; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

The term "Certificates" as used in this Ordinance shall mean and include collectively the Initial Certificate issued and delivered pursuant to this Ordinance and all substitute certificates of obligation exchanged therefor, as well as all other substitute certificates of obligation and replacement certificates of obligation issued pursuant hereto, and the term "Certificate" shall mean any of the Certificates.

Section 2. DATE, DENOMINATIONS, NUMBERS, MATURITIES, AND INTEREST RATES. That the Certificates shall initially be issued, sold, and delivered hereunder one fully registered Certificate, without interest coupons, dated the Date of Delivery (as hereinafter defined), in the aggregate principal amount stated above, numbered T-1 (the "Initial Certificate"), with Certificates issued in replacement

thereof being in the denominations and principal amounts hereinafter stated and numbered consecutively from R-1 upward, payable to the respective registered owner thereof (with the Initial Certificate being made payable to the underwriters (the "Underwriters") as described in Section 22 hereof), or to the registered assignee or assignees of the Certificates or any portion thereof (in each case, the "registered owner") in the manner provided and on the dates stated in the FORM OF CERTIFICATE, and shall mature on August 1 in each of the years in the principal amounts, respectively, bearing interest from the Date of Delivery to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

<u>Year</u>	<u>Principal Amount (\$)</u>	<u>Interest (%)</u>
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		

Section 3. REDEMPTION. (a) *Optional Redemption.* That the City reserves the right to redeem the Certificates maturing on and after August 1, 2034, in whole, or in part, in denominations of \$5,000 or any integral multiple thereof (an "Authorized Denomination"), on August 1, 2033, or on any date thereafter, at the redemption price of par plus accrued interest thereon to the date fixed for redemption. If less than all of the Certificates are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar (hereinafter defined) to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided that during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository. The City shall notify the Paying Agent/Registrar at least forty-five (45) days prior to the scheduled redemption date that a redemption of the Certificates is to be effected.

[(b) *Mandatory Sinking Fund Redemption.* The Certificates are not subject to mandatory sinking fund redemption prior to their scheduled maturities.]

(c) *Notice.* At least thirty (30) days prior to the date fixed for any such redemption the City shall cause a written notice of such redemption to be deposited in the United States mail, first-class postage

(17)

prepaid, addressed to each such registered owner at the address shown on the Registration Books (hereinafter defined) of the Paying Agent/Registrar on the forty-fifth (45th) day before such redemption date. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. Except as provided in subsection (d) of this Section with respect to a conditional redemption of Certificates, if such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Certificates, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price of par plus accrued interest thereon to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Certificates or any portion thereof. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in one or (at the written request of the registered owner) more Authorized Denominations, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. Each redemption notice, whether required in the FORM OF CERTIFICATE or otherwise by this Ordinance, shall contain a description of the Certificates to be redeemed, including: the complete name of the Certificates, the series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called for redemption, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar (including a contact person and telephone number), and the address at which the Certificates may be redeemed. All redemption payments made by the Paying Agent/Registrar to the registered owners of the Certificates shall include CUSIP numbers relating to each amount paid to such registered owner.

(d) *Notice of Conditional Redemption.* With respect to any optional redemption of the Certificates, unless certain prerequisites to such optional redemption required by this Ordinance have been met and money sufficient to pay the principal of, premium, if any, and interest on the Certificates to be redeemed will have been received by the Paying Agent/Registrar prior to giving such notice, such notice may state that the optional redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such money by the Paying Agent/Registrar on or prior to the date fixed for such redemption or upon any prerequisite set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption are not satisfied, such notice will be of no force and effect, the City will not redeem such Certificates, and the Paying Agent/Registrar will give notice in the manner in which the notice of redemption was given, to the effect that such Certificates have not been redeemed.

Section 4. CHARACTERISTICS OF THE CERTIFICATES. (a) *Registration of Certificates.* That the Issuer shall keep or cause to be kept at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A., or such other bank, trust company, financial institution, or other agency named in accordance with the provisions of subsection (g) of this Section (the "Paying Agent/Registrar"), books or records for the registration and transfer of the Certificates (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such transfers and registrations under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of the registered owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided. The Issuer or its designee shall have the right to inspect the Registration

Books during regular business hours of the Paying Agent/Registrar at its Designated Trust Office, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. Registration of each Certificate may be transferred in the Registration Books only upon presentation and surrender thereof to the Paying Agent/Registrar at its Designated Trust Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of such Certificate, or any portion thereof in an Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have such Certificate or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Certificate or any portion thereof, a new substitute Certificate or Certificates shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the Issuer, the Designated Trust Office is the Dallas, Texas office of The Bank of New York Mellon Trust Company, N.A., set forth in the "Paying Agent/Registrar Agreement" executed by the City and the Paying Agent/Registrar in connection with the sale and delivery of the Certificates.

(b) *Registration Books; Ownership.* The entity in whose name any Certificate shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Certificate shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary; and payment of, or on account of, the principal of, premium, if any, and interest on any such Certificate shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Certificate to the extent of the sum or sums so paid.

(c) *Paying Agent.* The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, and to act as its agent to exchange or replace Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all exchanges thereof, and all replacements thereof, as provided in this Ordinance.

(d) *Exchange, Assignment and Transfer of Certificates.* Each Certificate may be exchanged for fully registered certificates in the manner set forth herein. Each Certificate issued and delivered pursuant to this Ordinance, to the extent of the unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered certificates, without interest coupons, in the form prescribed in the FORM OF CERTIFICATE, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Certificate shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the principal amount of any Certificate or Certificates so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Certificate shall be redeemed prior to its scheduled maturity as provided herein, a substitute certificate or certificates having the same maturity date, bearing interest at the same rate, in one or (at the request of the registered owner) more Authorized Denominations, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation. If any Certificate or portion thereof is assigned and transferred, each Certificate issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Certificate for which it is being exchanged. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate. The Paying Agent/Registrar shall exchange or replace Certificates as provided herein, and each fully registered certificate or certificates delivered in exchange for or replacement of any Certificate or portion thereof as permitted or required by any provision

of this Ordinance shall constitute one of the Certificates for all purposes of this Ordinance, and may again be exchanged or replaced. It is specifically provided, however, that any Certificate delivered in exchange for or replacement of another Certificate prior to the first scheduled interest payment date on the Certificates (as stated on the face thereof) shall be dated the same date as such Certificate, but each substitute Certificate so delivered on or after such first scheduled interest payment date shall be dated as of the interest payment date on which interest due on the respective Certificate was paid in full, next preceding the date on which such substitute Certificate is delivered, unless such substitute Certificate is delivered on an interest payment date, in which case it shall be dated as of such delivery date; provided, however, that if at the time of delivery of any substitute Certificate the interest on the Certificate for which it is being exchanged has not been paid, then such substitute Certificate shall be dated as of the date to which such interest has been paid in full, and if no interest has been paid on the Certificate, then such substitute Certificate will be dated as of the Date of Delivery. On each substitute Certificate issued in exchange for or replacement of any Certificate or Certificates issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF CERTIFICATE (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such substitute Certificate, date such substitute Certificate in the manner set forth above, and manually sign and date the Authentication Certificate, and no such substitute Certificate shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all Certificates surrendered for exchange or transfer. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council so as to accomplish the foregoing exchange, assignment or transfer of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of exchange and transfer of any Certificate as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Authentication Certificate, the substitute Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which were originally issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(e) *General.* All Certificates issued in exchange for or, pursuant to Section 11 hereof, replacement of any other Certificate or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Certificates, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) shall be payable as to the principal of and interest on the Certificates, all as provided, and in the manner required or indicated, in the FORM OF CERTIFICATE.

(f) *Fees of Paying Agent/Registrar.* The City shall pay the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers of Certificates, but the registered owner of any Certificate requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. The registered owner of any Certificate requesting any exchange shall pay the Paying Agent/Registrar's reasonable and standard or customary fees and charges for exchanging any such Certificate or portion thereof, together with any taxes or governmental charges required to be paid with respect thereto, all as a condition precedent to the exercise of such privilege of exchange, except, however, that in the case of the exchange of an assigned and transferred Certificate or any portion thereof in any Authorized Denomination, and in the case of the exchange of the unredeemed portion of a Certificate which has been redeemed in part prior to maturity, as provided in this Ordinance, such fees and charges will be paid by the City. In addition, the City hereby covenants with the registered owners of the Certificates that it will pay the (i) reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on Certificates, when due, and (ii) fees and charges of the Paying Agent/Registrar for services with respect to the transfer or registration of

Certificates solely to the extent above provided, and with respect to the exchange of Certificates solely to the extent above provided.

(g) *Change in Paying Agent/Registrar.* The City covenants with the registered owners of the Certificates that at all times while the Certificates are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as the Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that it will promptly appoint a competent and legally qualified bank, trust company, financial institution, or other agency which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications are substantially similar to the those of the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver to the new Paying Agent/Registrar, designated and appointed by the City, the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h) *Form 1295 Filing.* The Paying Agent/Registrar has confirmed to the City that it is exempt from the disclosure form filing requirements of the Texas Ethics Commission in accordance with Section 2252.908(c)(4), Texas Government Code.

Section 5. FORM OF CERTIFICATE. That the Certificates, including the form of the Comptroller's Registration Certificate to accompany the Initial Certificate, and both the forms of the Authentication Certificate and of Assignment to be printed on each of the Certificates authorized to be issued and delivered hereunder, shall be substantially in the form as set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance. The printer of the Certificates is hereby authorized to print on the Certificates (i) the form of bond counsel's opinion relating to the Certificates, and (ii) an appropriate statement of insurance furnished by a municipal bond insurance company providing municipal bond insurance, if any, covering all or any part of the Certificates.

Section 6. DEFINITIONS. That the term "Available Revenues" shall have the meaning given said term in Section 7 hereof; the term "Business Day" means any day that is not a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close; the term "Code" means the Internal Revenue Code of 1986; the term "Date of Delivery" means the day on which the Certificates initially issued are delivered to the Underwriters or the Underwriters' nominee in consideration of the payment by the Underwriters of the agreed purchase price of the Certificates; "MSRB" means the Municipal Securities Rulemaking Board; the term "Rule" means SEC Rule 15c2-12; the term "SEC" means the United States Securities and Exchange Commission; and the term "Surplus Revenues" means the revenues pledged herein from the operation of the City's combined water and wastewater systems (not to exceed \$1,000) remaining after payment of all operation and maintenance expenses thereof and other obligations heretofore

or hereafter incurred to which such revenues have been or shall be encumbered by a lien on and pledge of such revenues superior to the lien on and pledge of such revenues to the Certificates.

Section 7. INTEREST AND SINKING FUND. That a special fund or account, to be designated the "City of Waxahachie, Texas Series 2024 Certificate of Obligation Interest and Sinking Fund" (the "Interest and Sinking Fund") is hereby created and shall be established and maintained by the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying principal of and interest on the Certificates as such principal and interest comes due. All ad valorem taxes levied and collected for and on account of the Certificates shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any Certificate is outstanding and unpaid, the City Council shall compute and ascertain the rate and amount of ad valorem tax, based on the latest approved tax rolls of the City, with full allowances being made for tax delinquencies and costs of tax collections, which will be sufficient to raise and produce the money required to pay the interest on the Certificates as such interest comes due, and to provide and maintain a sinking fund to pay the principal of the Certificates as such principal matures, but never less than 2% of the outstanding principal amount of the Certificates as a sinking fund each year. The rate and amount of ad valorem tax is hereby ordered to be levied against all taxable property in the City for each year while any Certificate is outstanding and unpaid, and the ad valorem tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes necessary to pay the interest on and principal of the Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Notwithstanding the foregoing, if the City deposits or budgets to be deposited in the Interest and Sinking Fund any other revenues, income or resources, including without limitation, Surplus Revenues (the "Available Revenues"), in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied may be reduced to the extent and by the amount of the Available Revenues then on deposit or budgeted to be deposited in the Interest and Sinking Fund.

Section 8. REVENUES. That the Certificates are additionally secured by and shall be payable from the Surplus Revenues. The Surplus Revenues are pledged by the City pursuant to authority of Chapter 1502, Texas Government Code. The City shall promptly deposit the Surplus Revenues upon their receipt to the credit of the Interest and Sinking Fund created pursuant to Section 7, to the principal of and interest on the Certificates.

Section 9. CONSTRUCTION FUND. (a) *Construction Fund Established.* The City hereby creates and establishes and shall maintain on the books of the City a separate fund to be entitled "City of Waxahachie, Texas Series 2024 Certificate of Obligation Construction Fund" (the "Construction Fund"), for use by the City for payment of all lawful costs associated with the acquisition and construction of the projects described in clauses (1), (2), (3), and (4) of Section 1, and the payment of the costs described in clause (5) of Section 1. Upon payment of all such costs, any money remaining on deposit to the credit of the Construction Fund shall be transferred to the Interest and Sinking Fund. Amounts so deposited to the credit of the Interest and Sinking Fund shall be used in the manner described in Section 7.

(b) *Investment of Moneys.* The City may invest proceeds of the Certificates (including investment earnings thereon) and amounts deposited to the credit of the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Government Code, and the City's investment policy. The City covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued.

Section 10. TRANSFER. That the City shall do any and all things necessary to accomplish the transfer funds from Interest and Sinking Fund of this issue to the Paying Agent/Registrar in a manner

sufficient to effectuate the timely payment of principal of and interest on the Certificates as such principal and interest become due and payable.

Section 11. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.

(a) *Replacement Certificates.* That in the event any outstanding Certificate is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new certificate of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) *Application for Replacement Certificates.* Application for replacement of damaged, mutilated, lost, stolen, or destroyed Certificates shall be made only by the registered owner thereof (or such registered owner's designee) to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Certificate, the applicant for a replacement Certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Certificate, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) *No Default Occurred.* Notwithstanding the foregoing provisions of this Section, in the event any such Certificate shall have matured, and no default has occurred which is then continuing in the payment of the principal of, premium, if any, or interest on the Certificate, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) *Charge for Issuing Replacement Certificates.* Prior to the issuance of any replacement Certificate, the Paying Agent/Registrar shall charge the registered owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement Certificate issued pursuant to the provisions of this Section, by virtue of the fact that any Certificate is lost, stolen, or destroyed, shall constitute a contractual obligation of the City whether the lost, stolen, or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) *Authority for Issuing Replacement Certificates.* In accordance with Chapter 1206, Texas Government Code, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Certificate without necessity of further action by the City Council of the City or any other body or person, and the duty of the replacement of such Certificates is hereby authorized and imposed upon the Paying Agent/Registrar, subject to the conditions imposed by this Section 11 of this Ordinance, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in paragraphs (d) and (e) of Section 4 of this Ordinance for Certificates issued in exchange or transfer of other Certificates.

Section 12. FEDERAL INCOME TAX MATTERS. That the City covenants to take such action as to ensure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(17)

(a) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(e) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with –

(1) proceeds of the Certificates invested for a reasonable temporary period of three (3) years or less, until such proceeds are needed for the purpose for which the Certificates are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed ten percent (10%) of the proceeds of the Certificates;

(g) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Certificates or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Certificates in contravention of section 149(d) of the Code (relating to advance refunding); and

(i) to pay to the United States of America at least once during each five-year period (beginning on the Date of Delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings", within the meaning of section 148(f) of the Code and to pay to the United States of America,

not later than sixty (60) days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

For purposes of the foregoing clauses (a) and (b) above, the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor, the City Manager, any Assistant City Manager, and the Director of Finance to execute any documents, certificates or reports required by the Code, and to make such elections on behalf of the City which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

Unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation, Series 2011, adopted by the City Council on December 19, 2011, apply to the Certificates.

In order to facilitate compliance with clause (i) above, a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Certificates. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

The resolution adopted by the City Council on June 3, 2024, described in the preamble to this Ordinance was intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

Section 13. ALLOCATION OF, AND LIMITATION ON, EXPENDITURES FOR THE PROJECT. That the Issuer covenants to account for the expenditure of proceeds from the sale of the Certificates and any investment earnings thereon to be used for the purposes described in Section 1 of this Ordinance (such purpose referred to herein and Section 14 hereof as a "Project") on its books and records by allocating proceeds to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on a Project is made or (b) such Project is completed. The foregoing notwithstanding, the Issuer shall not expend such proceeds or investment earnings more than sixty (60) days after the earlier of (a) the fifth anniversary of the Date of Delivery of the Certificates or (b) the date the Certificates are retired. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains a legal opinion, from nationally-recognized bond counsel, that such failure to comply will not adversely affect the excludability of interest on the Certificates from gross income for federal income tax purposes.

Section 14. DISPOSITION OF PROJECT. That the Issuer covenants that the property constituting a Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless the Issuer obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status

of the Certificates. For purposes of this Section, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 15. DEFAULT AND REMEDIES.

(a) *Events of Default.* That each of the following occurrences or events, for the purposes of this Ordinance, is hereby declared to be an Event of Default:

(i) the failure to make funds available to the Paying Agent/Registrar sufficient to make payment of the principal of or interest on any Certificate when the same becomes due and payable; or

(ii) except as provided in Section 18(c)(iv) of this Ordinance, default in the performance or observance of any other covenant, agreement or obligation of the City, which the failure to perform materially, adversely affects the rights of the registered owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) *Remedies for Default.*

(i) Upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Certificates then outstanding.

(c) *Remedies Not Exclusive.*

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Certificate authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or

representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 16. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES. That the Mayor of the City or the designee thereof is hereby authorized to have control of the Certificates initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificates pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificates, said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificates, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Registration Certificate.

Section 17. DTC REGISTRATION. That the Certificates initially shall be issued and delivered in such manner that no physical distribution of the Certificates will be made to the public, and the Depository Trust Company ("DTC"), New York, New York, initially will act as depository for the Certificates. DTC has represented that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. Upon the receipt of payment from the Underwriters for the Certificates originally issued and delivered as authorized by this Ordinance, the Paying Agent/Registrar shall cancel the initial Certificates and issue and deliver to DTC, separate single definitive Certificates for each maturity of the Certificates, in the aggregate principal amount of the Certificates of such maturity, fully registered in the name of CEDE & CO., as the nominee of DTC. It is expected that DTC will hold the Certificates on behalf of the Underwriters and DTC's participants. So long as each Certificate is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify beneficial ownership of the Certificates in Authorized Denominations, with transfers of beneficial ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by DTC and its participants, and that the definitive Certificates initially deposited with DTC shall be immobilized and not be further exchanged for substitute Certificates except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to its services, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Certificates. It shall be the duty of the DTC Participants, as defined in the Official Statement herein approved, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Certificates, and the method of paying the fees and charges of DTC. The City does not represent, and does not in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Certificates is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Certificates will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for such Certificates. In connection with the initial establishment of the foregoing book-entry system with DTC, the previous execution and delivery of the Blanket Letter of Representations shall apply to the Certificates.

Section 18. CONTINUING DISCLOSURE OBLIGATION. (a) *Annual Reports.* (i) That the City shall provide annually to the MSRB, in an electronic format prescribed by the MSRB, certain updated financial information and operating data of City, being the following (1) the City's financial statements; and (2) the information found in Tables 1 through 6 and 8 through 15 in the Official Statement authorized by Section 22 of this Ordinance. The City will update and provide the information in Tables 1 through 6 and 8 through 15 of the Official Statement within six (6) months after the end of each fiscal year ending in and after 2024. The City's financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in the financial statements of the City appended to the Official Statement as Appendix B, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within twelve (12) months after the end of each fiscal year ending in or after 2024. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial statements by the required time, and the City shall provide audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements becomes available.

(ii) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC. All filings shall be made electronically, in the format specified by the MSRB.

(b) *Disclosure Event Notices.* The City shall notify the MSRB, in a timely manner not in excess of ten (10) Business Days after the occurrence of the event, of any of the following events with respect to the Certificates:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other events affecting the tax status of the Certificates;
7. Modifications to rights of holders of the Certificates, if material;
8. Certificate calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor trustee or change in the name of the trustee, if material;

15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar event under the terms of a Financial Obligation of the City, and which reflect financial difficulties.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. As used in clauses 15 and 16 above, the term "Financial Obligation" means: (i) a debt obligation; (ii) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii), however, the term Financial Obligation shall not include Municipal Securities as to which a final official statement has been provided to the MSRB consistent with the Rule; and the term "Municipal Securities" means securities which are direct obligations of, or obligations guaranteed as to principal or interest by, a state or any political subdivision thereof, or any agency or instrumentality of a state or any political subdivision thereof, or any municipal corporate instrumentality of one or more states and any other Municipal Securities described by Section 3(a)(29) of the Securities Exchange Act of 1934, as the same may be amended from time to time.

In addition, the City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) *Limitations, Disclaimers, and Amendments.* (i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Certificates no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY

SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

Section 19. DEFEASANCE. (a) *Deemed Paid.* That any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsection (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until all Defeased Certificates shall have become due and payable. At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, the City hereby reserves the option, to be exercised at the time of the defeasance of the Certificates, to call for redemption at an earlier date Defeased Certificates, provided that in the proceedings providing for the Defeased Certificates, the City: (1) expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the owners

of the Defeased Certificates immediately following the making of the firm banking and financial arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) *Investment in Defeasance Securities.* Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Certificates and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Certificates may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) above. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Securities, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.

(c) *Selection of Defeased Certificates.* In the event that the City elects to defease less than all of the principal amount of Certificates of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Certificates by such random method as it deems fair and appropriate.

(d) *Defeasance Securities.* The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to refund, retire or otherwise discharge obligations such as the Certificates.

(e) *Continuing Duty of Paying Agent/Registrar.* Until all Defeased Certificates shall become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services.

Section 20. AMENDMENTS. That the City hereby reserves the right to amend this Ordinance subject to the following terms and conditions.

(a) *Amendments Not Requiring Consent.* The City may from time to time, without the consent of any holder of the Certificates, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (1) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interest of the holders of the Certificates, (2) grant additional rights or security for the benefit of the holders of the Certificates, (3) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interest of the holders of the Certificates, (4) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (5) make such other provisions in regard to matters or questions arising under this Ordinance that are not inconsistent with the provisions hereof and which, in the opinion of nationally-recognized bond counsel selected by the City, do not materially adversely affect the interests of the holders of the Certificates.

(b) *Amendments With Consent.* Except as provided in paragraph (a) above, the holders of the Certificates aggregating in principal amount a majority of the aggregate principal amount of the Certificates then outstanding shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the Certificates then outstanding, nothing herein contained shall

permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:

- (1) Make any change in the maturity of any of the outstanding Certificates,
- (2) Reduce the rate of interest borne by any of the outstanding Certificates,
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates,
- (4) Modify the terms of payment of principal of, redemption premium, if any, or interest on the outstanding Certificates, or imposing any condition with respect to such payment, or
- (5) Change the minimum percentage of the principal amount of the Certificates necessary for consent to such amendment.

(c) *Notice.* If at any time the City shall desire to amend this Ordinance, the City shall provide notice of such amendment to the registered owners of the Certificates then outstanding by sending via United States mail, first-class postage prepaid, to each registered owner of the affected Certificates a copy of the proposed amendment.

(d) *Receipt of Consents.* Whenever at any time within one (1) year from the date of the first mailing of said notice of the proposed amendment the City shall receive an instrument or instruments executed by the owners of at least a majority in aggregate principal amount of all the Certificates then outstanding, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) *Effect of Amendments.* Upon the adoption by the City of any ordinance to amend this Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with the amendatory ordinance, and the respective rights, duties, and obligations of the City and all the owners of then outstanding Certificates and all future Certificates shall thereafter be determined, exercised, and enforced under this Ordinance, as amended.

(f) *Consent Irrevocable.* Any consent given by any owner of Certificates pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of such consent, and shall be conclusive and binding upon all future owners of the same Certificates during such period. Such consent may be revoked at any time after six (6) months from the date such consent was given by the owner, or by a successor in title, by filing notice thereof with the Paying Agent/Registrar and the City, but such revocation shall not be effective if the owners of a majority in aggregate principal amount of the Certificates then outstanding, prior to the attempted revocation, consented to and approved the amendment.

(g) *Ownership.* For the purpose of establishing ownership of the Certificates, the City shall rely solely upon the registration of the ownership of such Certificates on the Registration Books kept by the Paying Agent/Registrar.

Section 21. SECURITY FOR FUNDS. That the Interest and Sinking Fund and the Construction Fund created by this Ordinance shall be secured in the manner and to the fullest extent permitted or required by law for the security of public funds, and the Interest and Sinking Fund and the Construction Fund shall be used only for the purposes and in the manner permitted or required by this Ordinance.

(17)

Section 22. SALE OF CERTIFICATES. (a) *Sale*. That the Certificates are hereby sold and shall be delivered to FHN Financial Capital Markets and Frost Bank (collectively, the "Underwriters") for the purchase price of \$[] (representing the par amount of the Certificates of \$[42,900,000], plus [net] original issue premium of \$[] (premium to be applied as set forth in Section 24), less an underwriting discount of \$[]) and no accrued interest, pursuant to the terms and provisions of a Purchase Contract in substantially the form presented at this meeting, which the Mayor of the Issuer is hereby authorized and directed to execute. The Initial Certificate, in the aggregate principal amount of the Certificates, with principal maturing on the respective maturity dates as set forth in Section 2 hereof, shall be delivered to the Underwriters, and the Underwriters shall have the right to exchange the Initial Certificate as provided in Section 4 hereof without cost. The Initial Certificate shall be initially registered in the name of FHN Financial Capital Markets or its nominee. The sale of the Certificates to the Underwriters was on terms that are most advantageous to the City reasonably obtained and, upon the advice of the City's financial advisor, is in the best interests of the City.

(b) *Offering Documents*. The City Council hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto (the "Official Statement"), and approves the distribution of such Official Statement in the reoffering of the Certificates by the Underwriters in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement prior to the date hereof is hereby ratified and confirmed.

Section 23. FURTHER PROCEDURES. That the Mayor, the City Secretary, the City Manager, any Assistant City Manager, the Director of Finance, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Certificates and fixing all details in connection therewith. In case any officer whose signature shall appear on any Certificate, or any document relating to the authorization, sale or issuance of the Certificates, shall cease to be such officer before the Date of Delivery of the Certificates, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 24. USE OF PROCEEDS. That the proceeds from the sale of the Certificates may be used for the purposes described in Section 1 of this Ordinance, in the manner described in the letter of instructions executed by the City or on behalf of the City by its financial advisor. The foregoing notwithstanding, proceeds representing accrued interest on the Certificates shall be deposited to the credit of the Interest and Sinking Fund, and proceeds representing premium on the Certificates shall be used in a manner consistent with the provisions of Section 1201.042(d), Texas Government Code, as amended. Any amounts remaining after completion of the improvements described in Section 1 hereof shall be transferred FIRST to the Rebate Fund, to the extent required by Section 12 hereof and as further described in Section 25 hereof, and THEREAFTER to the Interest and Sinking Fund. The proceeds from the sale of the Certificates, including premium, to be deposited to the credit of the Construction Fund shall not exceed \$42,900,000.

Section 25. INTEREST EARNINGS. That the interest earnings derived from the investment of proceeds from the sale of the Certificates may be used along with other proceeds for the construction of the permanent improvements set forth in Section 1 hereof for which the Certificates are issued; provided, that after completion of such permanent improvements, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on proceeds which are required to be rebated to the United States of America pursuant

to this Ordinance hereof in order to prevent the Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 26. APPROPRIATION. To pay the debt service coming due on the Certificates prior to receipt of the taxes levied to pay such debt service, if any, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 27. MISCELLANEOUS PROVISIONS. (a) *Titles Not Restrictive*. That the titles assigned to the various sections of this Ordinance are for convenience only and shall not be considered restrictive of the subject matter of any section or of any part of this Ordinance.

(b) *Rules of Construction*. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to "FORM OF CERTIFICATE" shall refer to the form of the Certificates set forth in Exhibit A to this Ordinance.

(c) *Inconsistent Provisions*. All ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed and declared to be inapplicable, and the provisions of this Ordinance shall be and remain controlling as to the matters prescribed herein.

(d) *Severability*. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance shall nevertheless be valid and the City hereby declares that this Ordinance would have been enacted without such invalid word, phrase, clause, paragraph, sentence, part, portion, or provisions.

(e) *Governing Law*. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas.

(f) *Open Meeting*. The City officially finds and determines that the meeting at which this Ordinance is adopted was open to the public; and that public notice of the time, place, and purpose of such meeting was given, all as required by Chapter 551, Texas Government Code.

(g) *Application of Chapter 1208, Government Code*. Chapter 1208, Texas Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and the Surplus Revenues granted by the City under Sections 7 and 8 hereof, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of the ad valorem taxes and Surplus Revenues granted by the City is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

(17)

(h) *Section 271.047, Local Government Code.* No bond proposition to authorize the issuance of bonds for the same purpose as the Certificates was submitted to the voters of the City during the preceding three (3) years and failed to be approved.

(i) *Section 252.051, Local Government Code.* The City has satisfied or will satisfy the appraisal requirements of Section 252.051, Texas Local Government Code, in the acquisition of real property with proceeds of the Certificates.

(j) *Payment of Attorney General Fee Authorized.* The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Certificates, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

(k) *Preamble.* The preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

(l) *Immediate Effect.* In accordance with the provisions of Section 1201.028, Texas Government Code, this Ordinance shall be effective immediately upon its adoption by the City Council.

principal and interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IN THE EVENT OF NON-PAYMENT of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest ("Special Payment Date", which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each registered owner of a Certificate appearing on the Registration Books kept by the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is one of a Series of Certificates dated the Date of Delivery, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$[42,900,000], for the purpose of paying contractual obligations to be incurred by the City, to-wit, the construction, installation and equipment of park and recreational improvements; the construction, renovation, improvement and equipment of existing municipal buildings; the construction, renovation, improvement and equipment of buildings, facilities and public safety facilities for the public works, parks and recreation, and police departments; the acquisition of vehicles and equipment for the for the public works and fire departments; constructing and improving streets, including related sidewalks, cycle paths, signage and signalization, landscaping, streetscaping, drainage, utility line relocations and the acquisition of land and rights-of-way therefor; the construction of improvements and extensions to the City's water and wastewater systems; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

THE CERTIFICATES of this Series scheduled to mature on and after August 1, 2034 may be redeemed prior to their scheduled maturities, in whole, or in part in principal amounts of \$5,000 or any integral multiple thereof, at the option of the City, on August 1, 2033 or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Certificates are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts therewith to be redeemed and shall direct the Paying Agent/Registrar to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

A WRITTEN NOTICE OF redemption shall be sent to the registered owner of each Certificate or a portion thereof being called for redemption at least thirty (30) days prior to the date fixed for such redemption by depositing such notice in the United States mail, first-class postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar. If such notice of redemption is mailed, and if due provision for such payment is made, all as provided

above, this Certificate, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Certificate or any portion hereof. If a portion of any Certificate shall be redeemed a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Ordinance.

THE FOREGOING NOTWITHSTANDING, with respect to any optional redemption of the Certificates, unless certain prerequisites to such optional redemption required by the Ordinance have been met and money sufficient to pay the principal of, premium, if any, and interest on the Certificates to be redeemed will have been received by the Paying Agent/Registrar prior to giving such notice, such notice may state that the optional redemption will, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such money by the Paying Agent/Registrar on or prior to the date fixed for such redemption or upon any prerequisite set forth in the notice of redemption. If a notice of conditional redemption is given and such prerequisites to the redemption are not satisfied, such notice will be of no force and effect, the City will not redeem such Certificates and the Paying Agent/Registrar will give notice in the manner in which the notice of redemption was given, to the effect that such Certificates will not be redeemed.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered Certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Ordinance, this Certificate may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered Certificates, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar at its Designated Trust Office, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Certificate may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the registered owner. The one requesting such exchange shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for exchanging any Certificate or portion thereof. The foregoing notwithstanding, in the case of the exchange of an assigned and transferred Certificate or Certificates or any portion or portions thereof, such fees and charges of the Paying Agent/Registrar will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, or exchange as a condition precedent to the exercise of such privilege. In any circumstance, both the City and the Paying Agent/Registrar shall not be required (i) to make any such transfer or exchange during the period beginning at the close of business on any Record Date and ending with the opening of business on the next following

principal or interest payment date; or (ii) to transfer or exchange any Certificates so selected for redemption when such redemption is scheduled to occur within forty-five (45) calendar days; provided, however, such limitation of transfer shall not be applicable to an exchange by the registered owner of an unredeemed balance of a Certificate called for redemption in part.

WHENEVER the beneficial ownership of this Certificate is determined by a book entry at a securities depository for the Certificates, the foregoing requirements of holding, delivering or transferring this Certificate shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Certificates is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Certificates.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Certificate have been performed, existed, and been done in accordance with law; that this Certificate is a direct obligation of said Issuer, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, in the manner provided in the Ordinance, and have been pledged for such payment, within the limit prescribed by law; and that a limited pledge (not to exceed \$1,000) of the surplus revenues from the operation of the City's combined water and wastewater systems remaining after payment of all operation and maintenance expenses thereof and any other obligations heretofore or hereafter incurred to which such revenues have been or shall be encumbered by a lien on and pledge of such revenues superior to the lien on and pledge of such revenues to the Certificates, have been pledged as additional security for the Certificates.

BY BECOMING the registered owner of this Certificate, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the Issuer, and agrees that the terms and provisions of this Certificate and the Ordinance constitute a contract between the Issuer and each registered owner hereof.

IN WITNESS WHEREOF, this Certificate has been signed with the manual or facsimile signature of the Mayor of the City (or in the Mayor's absence, of the Mayor Pro-Tem of the City), attested by the manual or facsimile signature of the City Secretary, and the official seal of the Issuer has been duly affixed to, or impressed, or placed in facsimile, on this Certificate.

XXXXXXXX
City Secretary

XXXXXXXX
Mayor

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(17)

It is hereby certified that this Certificate has been issued under the provisions of the proceedings adopted by the City as described in the text of this Certificate; and that this Certificate has been issued in exchange for or replacement of a Certificate of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated _____

The Bank of New York Mellon Trust Company, N.A.,
Paying Agent/Registrar

By _____
Authorized Representative

*FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE CERTIFICATES UPON INITIAL DELIVERY THEREOF

OFFICE OF COMPTROLLER :
STATE OF TEXAS : REGISTER NO. _____

I hereby certify that this Certificate has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY HAND and seal of office at Austin, Texas this _____.

(SEAL)

Comptroller of Public Accounts of
the State of Texas

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

(Please insert Social Security or Taxpayer Identification Number of Transferee)

/ _____ /

(Please print or typewrite name and address, including zip code of Transferee)

(17)

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within Certificate on books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.

INITIAL CERTIFICATE INSERTIONS

The Initial Certificate shall be in the form set forth above, except that the form of the single fully registered Initial Certificate shall be modified as follows:

- (i) immediately under the name of the Certificate the headings "Maturity Date", "Interest Rate", "Delivery Date" and "CUSIP" shall be omitted; and
- (ii) Paragraph one shall read as follows:

Registered Owner: FHN FINANCIAL CAPITAL MARKETS

Principal Amount: \${42,900,000}

Delivery Date: SEPTEMBER 4, 2024

THE CITY OF WAXAHACHIE, TEXAS (the "Issuer"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on August 1 in each of the years and in principal installments in accordance with the following schedule:

(Section 2 of the Ordinance)

and to pay interest thereon from the delivery date specified above, on February 1, 2025 and semiannually on each August 1 and February 1 thereafter to the maturity date specified above, or to the date of redemption prior to maturity, at the interest rate per annum specified above. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: August 5, 2024

Re: Consider Setting Proposed Tax Rate and Dates for Public Hearing

Recommended Motion: "I move to consider a property tax rate of 61 cents and set the date, time, and place for a public hearing for September 3 at 5:30 PM at the Waxahachie Civic Center."

Item Summary: As part of the annual budget process, Chapter 26 of the Property Tax code requires taxing units to comply with truth-in-taxation laws in adopting their tax rates. This item meets the requirement for the City Council to set the proposed rate for future consideration and adoption, set the public hearing date and time, and place an item on a future Council agenda to vote on the tax rate necessary to fund the Fiscal Year (FY) 2024-2025 Annual Budget.

The FY 2024-2025 Proposed Budget includes a proposed tax rate of \$0.61000 (M&O rate: \$0.37700, Interest & Sinking Rate: \$0.23300). The proposed tax rate recommended in the Budget provides additional funding for operating costs to keep up with growth and to fund capital needs throughout the City. The proposed rate exceeds the no-new-revenue rate of \$0.572525 but does not exceed the voter-approval tax rate of \$0.610905. When the proposed rate exceeds the no-new-revenue rate or voter-approval rate, state statute requires a public hearing be held on the proposed tax rate, specific publications, and dates of scheduled adoption.

(18)

Staff recommends that the City Council take a record vote to propose an ad valorem tax rate of \$0.610000 for FY 2024-2025 and schedule a public hearing for Tuesday, September 3 at 5:30 PM. The City Council will consider adoption of the tax rate and budget on September 9 at 7:00 PM. Both meetings will be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Waxahachie, Texas.

(19)



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: Aug 5, 2024

Re: Consider Resolution for Eminent Domain to Acquire Water Easements
Associated with MLK Water Line Replacement Project

Motion: "I move that the City of Waxahachie authorize the use of the power of eminent domain to acquire a water easement as referenced in Exhibit A and Exhibit B to the Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for such water easement; appointing an appraiser and negotiator as necessary; authorizing the Mayor to establish just compensation for the property rights to be acquired; authorizing the Mayor, or her representative, to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the City Attorney, or his representative, to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful".

Item Description: Consider resolution for eminent domain to acquire water easements for the MLK Water Line Replacement Project.

Item Summary: The City plans to replace portion of an 8-inch and 16-inch water line along Dr. Martin Luther King Jr. (MLK) Blvd. The limits for the water project is from Clift Street to S. Young Street. The engineering plans are complete, and waiting for the easement acquisition in order to advertise the project for the construction bid. Mr. David Fleming, the property owner for 107 S. Aiken St and 700 MLK, has passed away. Mr. Fleming has a dozen or more heirs to the properties and the city's land acquisition consultant could only find approximately

(19)

half of his heirs. In order to keep the water project moving forward in a timely manner, city staff recommend moving forward with the eminent domain process. Once the process is done, and the heirs are notified via newspaper for a period of time, the compensation for the easement will be available through a depository account. The known and unknown heirs are able to claim their portion of the easement compensation once process is complete and the money is available in the depository account.

Fiscal Impact: This water easement is part of the MLK Water Line Replacement Project and all cost associated with the acquisition will be covered by the project. The project is funded through the 2020, 2021 Water Bond and Water Operating Funds.

CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE NECESSITY TO ACQUIRE A PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE MAYOR OF THE CITY OF WAXAHACHIE, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE MAYOR TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie, Texas (the "City Council"), has determined that there exists a public necessity to acquire a water easement from property more particularly described in Exhibit A and Exhibit B, which is attached hereto and incorporated herein; and

WHEREAS, the City Council desires to acquire the permanent water easement, as more particularly described in Exhibit A and Exhibit B, which is attached hereto and incorporated herein; and

WHEREAS, the City Council desires that the Mayor, or her designee, take all necessary steps to acquire the foregoing described easement, including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and that the City Attorney, or his designee, negotiate the purchase of the easement, and if unsuccessful in doing so, to institute condemnation proceedings to acquire said easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY WAXAHACHIE, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Waxahachie, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The City Council hereby finds and determines that a public use and necessity exists for the City of Waxahachie, Texas, to acquire the easement, as more particularly described in Exhibit A and Exhibit B, which is attached hereto and incorporated herein.

SECTION 3

The Mayor, or her designee, is authorized and directed to negotiate for and to acquire the easement as more particularly described in Exhibit A and Exhibit B, which is attached hereto and incorporated herein, and to acquire said rights in compliance with State and Federal law. The Mayor is specifically authorized and directed to do each and every act necessary to acquire said easement, including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that she deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4

The Mayor, or any individual she may so designate, is appointed as negotiator for the acquisition of the easement, and, as such, the Mayor is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. The Mayor is specifically authorized to establish just compensation for the acquisition of said easement and if the Mayor or her designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the needed property interests, proceedings in eminent domain to acquire said easement.

SECTION 5

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THIS 5TH DAY OF AUGUST, 2024.

Billie Wallace, Mayor

ATTEST:

Amber Villarreal, City Secretary

(19)

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney

(19)

Exhibit A

**Permanent Water Easement and Temporary Construction Easement Legal Description
at 701 S. Aiken St., Waxahachie, TX, Ellis CAD Property ID # 173173**

(19)

EXHIBIT "A"

OWNER: DAVID FLEMING EST
WATER LINE EASEMENT
A.M. KEEN SURVEY ABSTRACT NO. 596
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

Being a 1,290 square foot (0.0296 acres) tract of land situated within the E.W. Rogers Survey, Abstract Number 896 and A.M. Keen Survey, Abstract Number 596, City of Waxahachie, Ellis County, Texas, and being a portion Lot 1, Fairview Addition, as recorded in Volume 193, Page 379 Deed Records of Ellis County, Texas, same tract of land owned by David Fleming (no document found), and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the intersection of the East right-of-way line of South Aiken street (a 40-foot wide right-of-way), and the South right-of-way of the U.S. 287 Business road, said point also being the Northwest corner of said Lot 1;

THENCE SOUTH 64 degrees 48 minutes 23 seconds EAST, along the North line of said Lot 1 and the South right-of-way line of U.S. 287 Business road, a distance of 97.22 feet to a point for a corner, being the Northeast corner of said Lot 1, and the Northwest corner of Lot 2, of said Fairview Addition;

THENCE SOUTH 25 degrees 11 minutes 37 seconds WEST, along the East line of said Lot 1, and the West line of said Lot 2, a distance of 14.03 feet to a point for corner;

THENCE NORTH 63 degrees 53 minutes 44 seconds WEST, over and across of said Lot 1, a distance of 97.40 feet to a point for corner, being on the West line of said Lot 1, and the West right-of-way line of said South Aiken street, from which a 1/2-inch iron rod found for the Southwest corner of said Lot 1, bears for reference, South 25 degrees 54 minutes 25 seconds West, 217.56 feet;

THENCE NORTH 25 degrees 55 minutes 23 seconds EAST, along the West line of said Lot 1 and East right-of-way of South Aiken Street, a distance of 12.48 feet POINT OF BEGINNING, and containing 1,290 square feet (0.0296 acres).

NOTES:

1. Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone (4202). Coordinates and distances are surface values and can be converted to grid by using the scale factor of 1.000072449 (0,0 base point).
2. A plat of same date accompanies this legal description.
3. This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon

By: 
Surveyor's Name: Jonathan E. Cooper
Registered Professional Land Surveyor No. 5369
Date: 10-19-2023
Texas Firm No. 10120600



EXHIBIT "A"

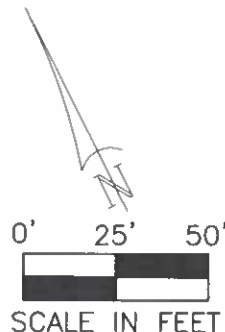
SEBASTIAN A. WILLIAMS
DOCUMENT NO. 2231087
O.P.R.E.C.T.

NORTH AIKEN STREET
40' RIGHT OF WAY
VOLUME A, PAGE 139
P.R.E.C.T.

NIMR RASHAD MAHDI
DOCUMENT NO. 2231082
O.P.R.E.C.T.

LADD VIEN
DOCUMENT NO. 2211463
O.P.R.E.C.T.

LOREN GRAY
INVESTMENTS, LLC
VOLUME 2538,
PAGE 391
D.R.E.C.T.



E.W. ROGERS SURVEY
ABSTRACT NO. 896

U.S. 287 BUSINESS
MARTIN LUTHER KING JR. BOULEVARD

P.O.B.
SURFACE
COORDINATE
X = 2481062.61
Y = 6826612.15

1/2" IRON ROD
W/CAP "CBG" FOUND

LEGEND	
●	SET 1/2" IRON ROD WITH CAP STAMPED "BOWMAN EASEMENT" (UNLESS NOTED OTHERWISE)
○	CALCULATED POINT
---	EASEMENT LINE
---	PROPERTY LINE
D.R.E.C.T.	DEED RECORDS ELLIS COUNTY TEXAS
O.P.R.E.C.T.	OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
P.R.E.C.T.	PLAT RECORDS ELLIS COUNTY TEXAS

KOFAR GROUP, LLC
DOCUMENT NO. 2110109
O.P.R.E.C.T.
(CALLED 0.270 ACRES)
PROP. ID 170989

SOUTH AIKEN STREET
40' RIGHT OF WAY

S 25°54'25" W 217.56'

VARIABLE WIDTH PERMANENT
WATERLINE EASEMENT
(1,290 SQ. FT. OR
0.0296 ACRES)

A.M. KEEN SURVEY
ABSTRACT NO. 596

DAVID FLEMING
(NO DOCUMENT FOUND)

A PORTION OF LOT 2
FAIRVIEW ADDITION
VOLUME 193, PAGE 379
D.R.E.C.T.
(CALLED 0.258 ACRES)
PROP ID 173174

LOT 1
FAIRVIEW ADDITION
VOLUME 193, PAGE 379
D.R.E.C.T.
(CALLED 0.528 ACRES)
PROP ID 173173

LINE	BEARING	DISTANCE
L1	N 25°55'23" E	12.48'
L2	S 64°48'23" E	97.22'
L3	S 25°11'37" W	14.03'
L4	N 63°53'44" W	97.40'

1/2" IRON ROD
W/CAP "CBG" FOUND

1/2" IRON ROD
FOUND

5/8" IRON ROD
W/CAP
"LONSTAR RPLS 6882" FOUND

FAIRVIEW AVENUE

Bowman

© 2022 Bowman Consulting Group, Ltd.
1200 West Magnolia Blvd., Suite 300 Phone: (214) 484-8586
Fort Worth, TX 76104 www.bowman.com
TBPELS #10120600

NOTES:

- (1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.000072449 (0.0 BASE POINT).
- (2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANES THIS PLAT.



J. E. COOPER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5369

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT

SURVEY: E.W. ROGERS-ABSTRACT NO. 896

LOCATION: CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

SUBJECT TRACT ACREAGE: 0.528 ACRES (CALLED)

JOB NO. 210622

DRAWN BY: A.C.L.

CAD FILE: EP_WTL_FNI-US-287_PARCEL-25_DAVD_FLEMING.DWG

DATE: 2023-10-19

CHECK BY:

SCALE: 1" = 50'

SHEET 2 OF 2

(19)

Exhibit B

**Permanent Water Easement and Temporary Construction Easement Legal Description
at 700 Dr. Martin Luther King Jr. Blvd, Waxahachie, TX, Ellis CAD Property ID # 173174**

(19)

EXHIBIT "A"

**OWNER: DAVID FLEMING
WATER LINE EASEMENT
A.M. KEEN SURVEY ABSTRACT NO. 596
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS**

Being a 709 square foot (0.0163 acres) tract of land situated within the A.M. Keen Survey, Abstract Number 596, City of Waxahachie, Ellis County, Texas, and being a portion of Lot 2, of Fairview Addition, as recorded in Volume 193, Page 379, of the Deed Records of Ellis County, Texas, same tract of land owned by David Fleming (no document found), and being more particularly described by metes and bounds as follows:

BEGINNING at a capped 1/2-inch iron rod stamped "CBG" found for the Northwest corner of tract of land conveyed to Martha Martinez Mendoza, as recorded in Document Number 2411509 of the Official Public Records of Ellis County, Texas, and being on the North line of said Lot 2, and the South right-of-way line of U.S. 287 Business;

THENCE SOUTH 25 degrees 15 minutes 02 seconds WEST, along the West line of said Martha Martinez Mendoza tract of land, and the east line of said Lot 2, a distance of 14.24 feet to a point for corner;

THENCE NORTH 64 degrees 34 minutes 00 seconds WEST, departing the West line of said Martha Martinez Mendoza tract of land, continuing over and across said Lot 2, a distance of 50.16 feet to a point for a corner, being on the West line of said Lot 2, and the East line of Lot 1, of said Fairview Addition, from which a capped 1/2-inch iron rod stamped "CBG" found for the Southwest corner of said Lot 2, and the South East corner of said Lot 1, bears for reference South 25 degrees 11 minutes 37 seconds West, a distance of 215.97 feet;

THENCE NORTH 25 degrees 11 minutes 37 seconds EAST, along the West line of said Lot 2, and the East line of said Lot 1, a distance of 14.03 feet to a point for a corner, being the Northwest corner of said Lot 2, and the Northeast corner of said Lot 1, said point being on the South right-of-way line of U.S. 287 Business road;

THENCE SOUTH 64 degrees 48 minutes 23 seconds EAST, along the North line of said Lot 2, and the South right-of-way of said U.S. 287 Business road, a distance of 50.17 feet to the POINT OF BEGINNING, and containing 709 square feet (0.0163 acres).

TEMPORARY CONSTRUCTION EASEMENT

The above-described permanent waterline easement is also subject to a temporary construction easement as shown on the accompanying survey plat. Said temporary construction easement shall expire as noted in the easement agreement.

NOTES:

1. Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone (4202). Coordinates and distances are surface values and can be converted to grid by using the scale factor of 1.000072449 (0,0 base point).

2. A plat of same date accompanies this legal description.

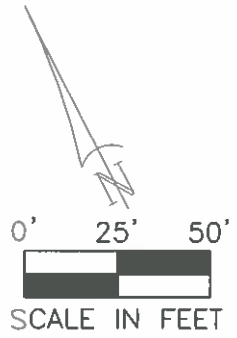
3. This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.



By: _____

Surveyor's Name: Jonathan E. Cooper
Registered Professional Land Surveyor No. 5369
Date: 05-28-2024

EXHIBIT "A"



NORTH AIKEN STREET
40' RIGHT OF WAY
VOLUME A, PAGE 139
P.R.E.C.T.

SOUTH AIKEN STREET
40' RIGHT OF WAY

NIMR RASHAD MAHDI
DOCUMENT NO. 2231082
O.P.R.E.C.T.

LADD VIEN
DOCUMENT NO. 2211463
O.P.R.E.C.T.

LOREN GRAY
INVESTMENTS, LLC
VOLUME 2538,
PAGE 391
D.R.E.C.T.

U.S. 287 BUSINESS
MARTIN LUTHER KING JR. BOULEVARD

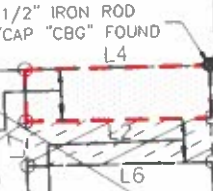
A.M. KEEN SURVEY
ABSTRACT NO. 596

E.W. ROGERS SURVEY
ABSTRACT NO. 896

P.O.B.
SURFACE
COORDINATE
X= 2481201.44
Y= 6826549.41

VARIABLE WIDTH
PERMANENT WATERLINE
EASEMENT
709 SQ. FT. OR
0.0163 ACRES)

12' PROP TEMPORARY
CONSTRUCTION EASEMENT
(602 SQ. FT. OR
0.0138 ACRES)



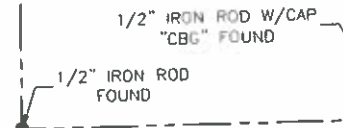
MARTHA MARTINEZ MENDOZA
DOCUMENT NO. 2411509
O.P.R.E.C.T.
(CALLED 0.232 ACRES)
PORTION OF LOT 2
FAIRVIEW ADDITION
VOLUME 193, PAGE 379
D.R.E.C.T.
PROP ID 173175

DAVID FLEMING
(NO DOCUMENT
FOUND)

A PORTION OF
LOT 2
FAIRVIEW
ADDITION
VOLUME 193,
PAGE 379
D.R.E.C.T.
(CALLED 0.258
ACRES)
PROP ID
173174

DAVID FLEMING
(NO DOCUMENT FOUND)

LOT 1
FAIRVIEW ADDITION
VOLUME 193, PAGE 379
D.R.E.C.T.
(CALLED 0.528 ACRES)
PROP ID 173173



FAIRVIEW AVENUE

LEGEND	
●	SET 1/2" IRON ROD WITH CAP STAMPED "BOWMAN EASEMENT" (UNLESS NOTED OTHERWISE)
○	CALCULATED POINT
---	EASEMENT LINE
---	PROPERTY LINE
D.R.E.C.T.	DEED RECORDS ELLIS COUNTY TEXAS
O.P.R.E.C.T.	OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
P.R.E.C.T.	PLAT RECORDS ELLIS COUNTY TEXAS

LINE	BEARING	DISTANCE
L1	S 25°15'02" W	14.24'
L2	N 64°34'00" W	50.16'
L3	N 25°11'37" E	14.03'
L4	S 64°48'23" E	50.17'
L5	S 25°15'02" W	12.00'
L6	N 64°34'00" W	50.14'
L7	N 25°11'37" E	12.00'

Bowman

© 2022 Bowman Consulting Group, Ltd.
1200 West Magnolia Blvd., Suite 300 Phone: (214) 484-8586
Fort Worth, TX 76104 www.bowman.com
TBPELS #10120600

NOTES:
(1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202) COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID BY USING THE SCALE FACTOR OF 1.000072449 (0.0 BASE POINT).
(2) A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.

VARIABLE WIDTH PERMANENT WATERLINE EASEMENT		
SURVEY: A.M. KEEN-ABSTRACT NO. 596		
LOCATION: CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS		
SUBJECT TRACT ACREAGE: 0.258 ACRES (CALLED)		
JOB NO. 210622	DRAWN BY: J.D.J.	CAD FILE: EP_WTL_FNI-US-287_PARCEL-26_DAVID_FLEMING_REV.DWG
DATE: 2024-05-28	CHECK BY:	SCALE: 1"= 50' SHEET 3 OF 3

JONATHAN E. COOPER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5369

BOWMAN CONSULTING GROUP LTD. 1200 WEST MAGNOLIA AVENUE, SUITE 300 FORT WORTH, TEXAS 76104 214-484-8586

(20)



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: Aug 5, 2024

Re: Consider Resolution for Eminent Domain to Acquire Water Easement
Associated with FM 664 24-inch Water Transmission Main Project

Motion: "I move that the City of Waxahachie authorize the use of the power of eminent domain to acquire a water easement as referenced in Exhibit B to the Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for such water easement; appointing an appraiser and negotiator as necessary; authorizing the Mayor to establish just compensation for the property rights to be acquired; authorizing the Mayor, or her representative, to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the City Attorney, or his representative, to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful."

Item Description: Consider resolution for eminent domain to acquire water easement from property located at 1201 Ovilla Road, associated with FM 664 24-inch Water Transmission Main Project.

Item Summary: Due to TxDOT widening of FM 664 and to expand the city's water transmission lines, the City plans to construct a 24-inch water line along FM 664. The limits for the water project are from Marshall Road to the existing 24-inch water line south of Highway 287. The engineering plans are complete, and waiting for the easement acquisition in order to advertise the project for the construction bid. The City is working with Sardis Lone Elm Water Supply

Corporation (Sardis Water), to acquire the water easements together. The City of Waxahachie and Sardis Water hired a consultant to negotiate the easement acquisition with the property owners along FM 664. Most of the easements for this project have been acquired, but the property owner at 1201 Ovilla Rd has stopped communication with the consultant and is not willing to negotiate with Sardis Water or the City anymore. Sardis Water Board approved the resolution for acquisition of the water easement through the eminent domain process. If the City wants to be a party to the Sardis Water eminent domain process, we have to approve a resolution for eminent domain as well.

The alternative is for the City to continue attempting to negotiate with the property owner, and possibly have to pay for the easement and eminent domain process by ourselves or may even fail to get the easement. We have been attempting to get the easement for well over a year and the property owner has communicated that the City will have to use eminent domain. City staff recommend approving the resolution at this time in order to save money, ensure completion of the project in a timely manner and have the property owner go through this process once versus with Sardis and again with the City. City staff hopes that once this process starts, the property owner will be willing to negotiate before it goes through the eminent domain process.

Fiscal Impact: This water easement is part of the FM 664 24-inch Water Transmission Main Project and all cost associated with the acquisition will be covered by the project. The project is funded through the 2023 Water Bond and Water Impact Fees.

CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE NECESSITY TO ACQUIRE A WATER EASEMENT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE MAYOR OF THE CITY OF WAXAHACHIE, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE MAYOR TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie, Texas (the "City Council"), has determined that there exists a public necessity to acquire a water easement from property more particularly described in Exhibit B, which is attached hereto and incorporated herein; and

WHEREAS, the City Council desires to acquire the permanent water easement, as more particularly described in Exhibit B, which is attached hereto and incorporated herein; and

WHEREAS, the City Council desires that the Mayor, or her designee, take all necessary steps to acquire the foregoing described easement, including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and that the City Attorney, or his designee, negotiate the purchase of the easement, and if unsuccessful in doing so, to institute condemnation proceedings to acquire said easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY WAXAHACHIE, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Waxahachie, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The City Council hereby finds and determines that a public use and necessity exists for the City of Waxahachie, Texas, to acquire the easement, as more particularly described in Exhibit B, which is attached hereto and incorporated herein.

SECTION 3

The Mayor, or her designee, is authorized and directed to negotiate for and to acquire the easement as more particularly described in Exhibit B, which is attached hereto and incorporated herein, and to acquire said rights in compliance with State and Federal law. The Mayor is specifically authorized and directed to do each and every act necessary to acquire said easement, including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that she deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4

The Mayor, or any individual she may so designate, is appointed as negotiator for the acquisition of the easement, and, as such, the Mayor is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. The Mayor is specifically authorized to establish just compensation for the acquisition of said easement and if the Mayor or her designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the needed property interests, proceedings in eminent domain to acquire said easement.

SECTION 5

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THIS 5TH DAY OF AUGUST, 2024.

Billie Wallace, Mayor

ATTEST:

Amber Villarreal, City Secretary

(20)

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney

(20)

Exhibit B

(Water Easement Legal Description)

EXHIBIT "B"
FIELD NOTE DESCRIPTION
PERMANENT VARIABLE WIDTH WATER LINE EASEMENT
CITY OF WAXAHACHIE, TEXAS

Being a strip of land for a Permanent Water Line Easement, variable in width, under, over and across Lot 1, Block 1 of the McNaughton's Corner Addition, an addition to the City of Waxahachie, Ellis County, Texas, as recorded in Cabinet E, Slide 175, Plat Records of Ellis County Texas (P.R.E.C.T.), located in the Harbin H. Self Survey, Abstract 1001, a 1.787 acre tract of land conveyed to Dana Renee Lennon by a deed recorded in Volume 01740, Page 0971, Deed Records of Ellis County, Texas (D.R.E.C.T.), said variable width Permanent Water Line Easement being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with pink TxDOT cap found for a corner, said iron rod being in the new F.M. 664 west right of way line (a variable width public right of way) and in the new Marshall Road north right of way line (a variable width public right of way), said iron rod bears N 70°05'48" W, a distance of 55.51 feet, from a 1/2-inch iron rod with plastic cap stamped "RPLS 4466" found in the southeast property corner of said 1.787 acre Lot 1 Lennon tract;

THENCE, S 89°20'38" W, along the new Marshall Road north right of way line and along the south property line of said 1.787 acre Lot 1 Lennon tract, a distance of 146.58 feet to a point for a corner;

THENCE, S 83°16'35" W, along the new Marshall Road north right of way line and along the south property line of said 1.787 acre Lot 1 Lennon tract, a distance of 40.16 feet to a point for a corner, said point being in the west property line of said 1.787 acre Lennon tract and in the east property line of Lot 2, Block 1, said McNaughton's Corner Addition, a called 1.117 acre tract of land conveyed to Dana Renee Lennon by a deed recorded in Volume 01740, Page 0971, (D.R.E.C.T.), said point bears N 00°26'10" W, a distance of 14.29 feet, from a 1/2-inch iron rod with plastic cap stamped "RPLS 4466" found in the southwest property corner of said 1.787 acre Lot 1 Lennon tract and in the southeast property corner of said 1.117 acre Lot 2 Lennon tract;

THENCE, N 00°26'06" W, departing the new Marshall Road north right of way line, along the west property line of said 1.787 acre Lot 1 Lennon tract and the east property line of said 1.117 acre Lot 2 Lennon tract, a distance of 20.12 feet to a point for a corner;

THENCE, S 83°16'35" E, being at all times 20 feet perpendicular distance from and parallel with the new Marshall Road north right of way line, and a distance of 39.02 feet to a point for a corner;

THENCE, N 89°20'38" E, being at all times 30 foot perpendicular distance from and parallel with the new Marshall Road north right of way line, a distance of 107.99 feet to a point for a corner;

THENCE, N 49°39'35" E, a distance of 15.66 feet, to a point for a corner;

THENCE, N 89°20'36" E, a distance of 13.07 feet, to a point for a corner;

THENCE, N 44°18'42" E, a distance of 28.72 feet, to a point for a corner;

THENCE, N 06°02'35" E, a distance of 120.12 feet to a point for a corner, said point being the beginning of a non-tangent curve to the left having a central angle of 02°36'45", a radius of 2,401.32 feet, a chord bearing N 04°44'08" E, and a chord length of 109.48 feet;

THENCE, along said non-tangent curve to the left, an arch distance of 109.49 feet, to a point for a corner, said point being in the west line of an existing 20 foot wide utility easement dedicated to the City of Waxahachie according to said plat for McNaughton's Corner Addition;

EXHIBIT "B"
FIELD NOTE DESCRIPTION
PERMANENT VARIABLE WIDTH WATER LINE EASEMENT
CITY OF WAXAHACHIE, TEXAS

THENCE, S 01°01'16" E, along the west line of said existing 20 foot City of Waxahachie utility easement, a distance of 182.94 feet to a point for a corner, said point being in the new F.M. 664 west right of way line and in the west line of said existing 20 foot City of Waxahachie utility easement;

THENCE, S 06°02'35" W, along the new F.M. 664 west right of way line, a distance of 76.34 feet to a 5/8-inch iron rod with pink TxDOT cap found for a corner;

THENCE, S 47°41'31" W, along the new F.M. 664 west right of way line, a distance of 29.89 feet to the POINT OF BEGINNING, said variable width Permanent Water Line Easement containing 0.178 acres (7,733 square feet) of land, more or less.

Notes:

1. Bearings and distances cited in this field note description are based on the Texas State Plane Coordinate System, NAD-83, Texas North Central Zone 4202.
2. Field surveys concluded on 07/05/2023.
3. A Plat of even date herewith accompanies this Metes and Bounds Description

Gary C. Hendricks, P.E., R.P.L.S.
Texas Registration No. 5073
Birkhoff, Hendricks & Carter, L.L.P.
TBPELS Firm No. 100318-00
11910 Greenville Avenue, Suite 600
Dallas, Texas 75243
Phone 214-361-7900



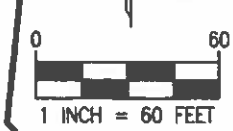
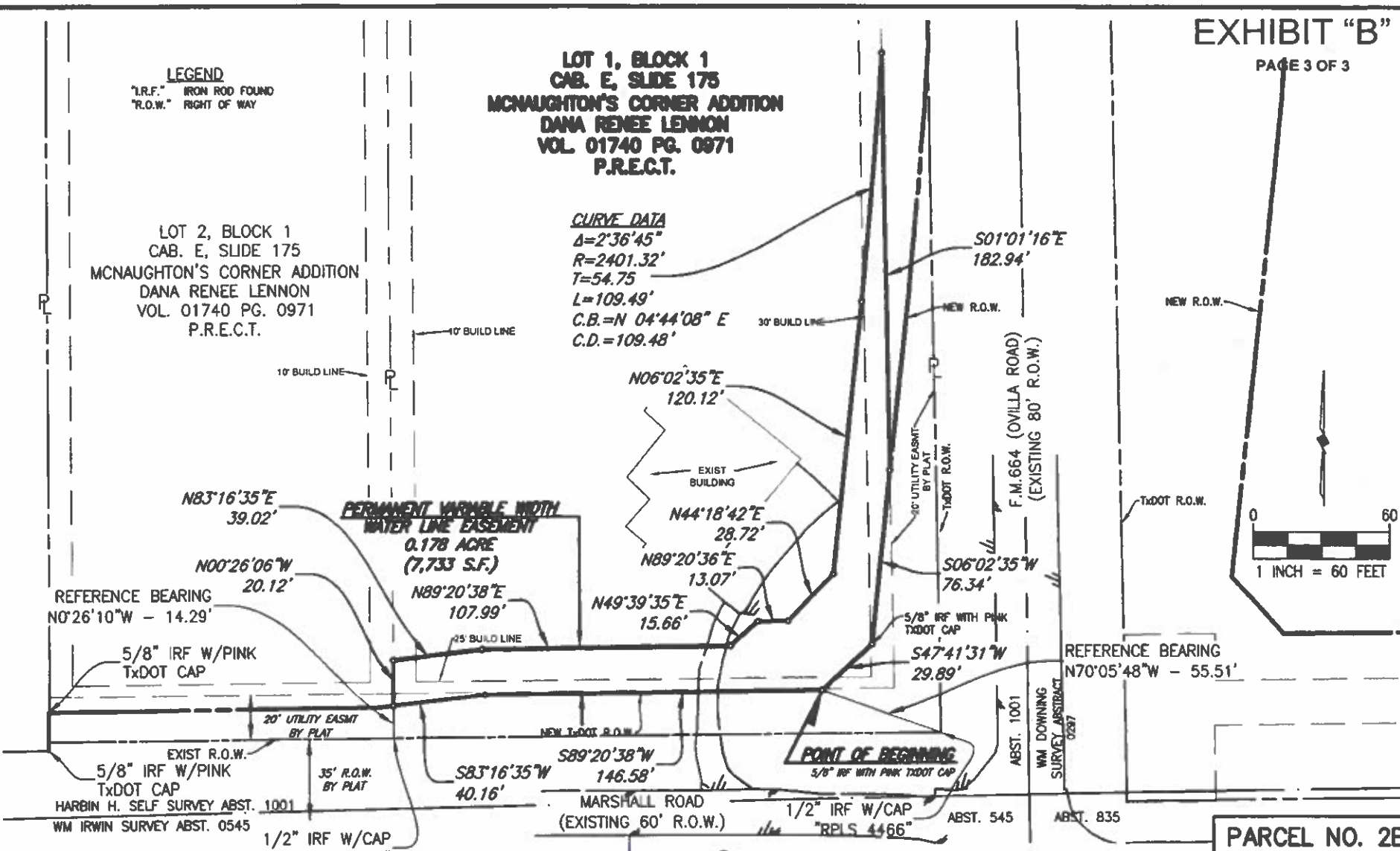
LEGEND
"I.R.F." IRON ROD FOUND
"R.O.W." RIGHT OF WAY

LOT 1, BLOCK 1
CAB. E, SLIDE 175
MCNAUGHTON'S CORNER ADDITION
DANA RENEE LENNON
VOL. 01740 PG. 0971
P.R.E.C.T.

LOT 2, BLOCK 1
CAB. E, SLIDE 175
MCNAUGHTON'S CORNER ADDITION
DANA RENEE LENNON
VOL. 01740 PG. 0971
P.R.E.C.T.

CURVE DATA

$\Delta=2^{\circ}36'45''$
 $R=2401.32'$
 $T=54.75$
 $L=109.49'$
 $C.B.=N 04^{\circ}44'08'' E$
 $C.D.=109.48'$

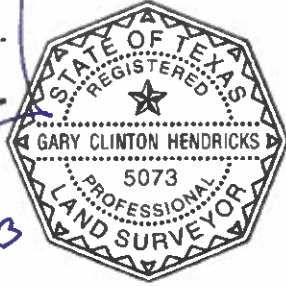


(20)

H:\Projects\Wax\2022138 FM 664 Water Line\Easement Plats\Plat\Parcel 2 - Dana Renee Lennon.dwg
REVISED: 8/18/23 - JNY

- NOTES:
1. BEARINGS AND DISTANCES CITED IN THIS PLAT DESCRIPTION ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD-83, TEXAS NORTH CENTRAL ZONE 4202.
 2. FIELD SURVEYS CONCLUDED ON 07/05/2023.
 3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS EXHIBIT.

[Handwritten Signature]
09/19/2023



CITY OF WAXAHACHIE, TEXAS

DANA RENEE LENNON
PERMANENT VARIABLE WIDTH WATER LINE EASEMENT

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
TBPELS PE Firm 526; Survey Firm 10031800
11910 Greenville Ave., Suite 600 Dallas, Texas 75243 (214) 361-7900

August 2023

PARCEL NO. 2B